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HANSARD'S

PARLIAMENTARY

DEBATES:

Third Series;

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

2° VICTORIÆ, 1839.

VOL. XLVIII.

COMPRISING THE PERIOD FROM

THE SIXTH DAY OF JUNE,

TO

THE SIXTH DAY OF JULY, 1839.

Fourth Volume of the Session.

LONDON:

THOMAS CURSON HANSARD, PATERNOSTER ROW;
AND BALDWIN AND CRADOCK; BOOKER AND DOLMAN; LONGMAN AND CO.;
J. M. RICHARDSON; ALLEN AND CO.; J. HATCHARD AND SON; J. RIDGWAY;
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J. BIGG; J. BOOTH.

1839.

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HANSARD'S

PARLIAMENTARY DEBATES,

DURING THE *SECOND SESSION* OF THE *THIRTEENTH PARLIAMENT* OF THE UNITED KINGDOM OF *GREAT BRITAIN* AND *IRELAND*, APPOINTED TO MEET AT WESTMINSTER, 5TH FEBRUARY, 1839, IN THE SECOND YEAR OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA.

FOURTH VOLUME OF THE SESSION.

HOUSE OF LORDS,

Thursday, June 6, 1839.

MINUTES.] Petitions Presented:—By Earls CAWDOR, STANHOPE, STRADBROKE, and RADNOR, Lords COLVILLE, BARHAM, and a number of other noble LORDS, from many places, for a Uniform Penny Postage.—By the Earl of CAWDOR, from a place in Sutherland, for Church Extension in Scotland.—By the Marquess of Downshire from places in Ireland, for redressing the Religious Grievances of Presbyterian Soldiers.—By the Bishop of CHESTER, LONDON, and BANGOR, from Liverpool, and other places, against running the Mails on Sundays.—By the Bishop of LONDON, from Belfast, against Idolatrous Worship in India.—By the Earl of STANHOPE, from Ilverton (Somersetshire) against the New Poor-Law Act.—By Lord BROUGHAM, from St. Mary's Newington, in favour of the Government Scheme of National Education.—By the Earl of ABERDEEN, from one place, for the Abolition of the Colonial Legislature in Newfoundland.—By Viscount LORTON, from Sligo, for inquiry into the appointment of Sheriffs.

POOR-LAW.] Earl *Stanhope* said, that, as he saw in his place a noble Earl (Hardwicke), who was chairman of the Thaxton Union, in the county of Cambridge, he should take that opportunity of presenting two petitions to their Lordships, respecting certain proceedings which were alleged to have taken place in that union. He felt it right to say a few words on the rather unusual occurrence of presenting two petitions on the same day, from the same individual, and on the same subject, to their Lordships. The petitioner called for inquiry into her statement, which clearly could only be effected through a Committee of that House. When a committee was sitting last session, to investigate certain complaints connected with the Poor-law, it was impossible for them to investigate all the cases in time, as Parliament was prorogued, and it was obvious, that he could not present those petitions at an earlier period. They came from a woman of the name of ——, who resided in the union, and she, in the first petition, complained that she had been compelled to dispose of her dwelling, that relief had been refused her, and that she had been turned into the street, where she had been, for some time, exposed to the inclemency of the weather, night and day. She also complained, that her husband had been unjustly condemned to imprisonment for three months, in the county gaol of Cambridge. In the second petition, from the same party, she complained that she had been sent backwards and forwards, no less than 52 miles, before she could procure relief, and that she had been obliged to sell some of her clothes, for the purpose of procuring food. She, therefore, earnestly prayed for inquiry. Now, no man, who was at all acquainted with the noble Earl, could, for a moment, suspect that he would, in any shape, tolerate cruelty. The noble Earl was, however, Chairman of the Board of Guardians, and he (Earl Stanhope) felt that he had only done his duty, in thus giving the noble Earl an opportunity of explaining the matter.

The Earl of *Hardwicke* said, he would endeavour, as briefly as possible, to answer the statement of the noble Lord. He was sure their Lordships would always receive, with proper attention, petitions from the humbler classes of society, and when such petitions, in any way, concerned one of their Lordships' body, it would, he believed, rather increase than diminish their desire to investigate the matters referred to. Their Lordships would recollect that, last year, a similar petition was sent to that House, from the husband of the present petitioner. He believed, that some individuals were induced to make an unworthy attempt to excite prejudice against the law, rather than to point out real and tangible grievances. That petition alleged, that certain oppressive acts had been perpetrated by the Earl of Hardwicke and the Guardians of the Thaxton Union. Allegations were made, in the present petition, either under a mistake on the part of the petitioner, or with a wilful intention, with respect to the Board of Guardians, impugning their conduct very unjustly. So far as regards the Board of Guardians, no reference was made to any acts committed by them that were not perfectly justifiable. It was made a matter of complaint in the petition, that these parties were incarcerated. But what was the fact? They were in very great distress; and, fortunately for them, there was a workhouse ready to afford relief. Into that house they were received, and they were, of course, amenable to its rules. It was further alleged, as a grievance, that the husband was sent to prison. The cause of his imprisonment was this:—He was permitted, by the Board of Guardians, to go out and seek for employment. He did so, and he was then called on to support his wife, which he was obliged to do by that act of Parliament which provided that individuals should be compelled to support their families, if they were able to do so. The man refused. His offence came within the notice and jurisdiction of the magistrates, who visited his offence with imprisonment. The Board of Guardians had nothing whatever to do with the matter. The second petition complained that the petitioner was obliged to travel a certain number of miles, for the purpose of receiving relief. Of that, he knew nothing. But he was certain that, if the petitioner had made the Board of Guardians acquainted with the conduct of the relieving officer, and that that conduct appeared to have been improper, he would confidently answer for it, that strict and prompt justice would have been done in the case. He was very sorry, that this complaint had not been sent to the Secretary of State, because, in all cases of this nature, where complaint was so made, Commissioners were sent down to inquire into the alleged grievance. They investigated the matter carefully, and they examined witnesses judicially, on oath. Thus, they got at the true facts of the case; and, in every instance, he believed, strict justice was administered. He should be exceedingly glad if an investigation took place with respect to this, or other complaints of a similar description. He thought, that the committee of last session might be beneficially renewed, since its labours were useful in disabusing the public mind, with respect to the operation of this measure. He should only further observe, that if, in this instance, any inquiry were instituted into the conduct of the Board of Guardians, he was convinced they would come fairly and honourably out of it.

Petitions laid on the Table.

TITHE COMMUTATION.] Lord *Ashburton* asked whether it were the intention of Government to bring forward, shortly, any measure for the explanation or amendment of the Tithe Commutation Act. There were various parts of the act which required one or other of these, and at this advanced period of the Session, he thought no further delay ought to take place.

The Marquess of *Lansdowne* said, that a measure of the sort was under the consideration of the Government; but, in the course of their communications with the commissioners on the subject, so many new points, for the most part of minor importance, had arisen, that the production of the measure had been inevitably delayed. This was the sole cause, as the Government were anxious that something should be done.

Lord *Portman* was anxious that something should be done with regard to the mode of rating, not only tithe, but other property. In consequence of a late judgment of the Court of Queen's Bench, there was no one rate in the kingdom which could be maintained, if it were to be contested. That judgment had the effect of reviving a principle which had never been acted upon since the time of Elizabeth. It affected not only the poor-rate, but the way-rate, which is founded on the poor-rate. The judgment, in fact, imposed an income tax. Something should be done, and he thought a separate legislative measure would be necessary.

Lord *Wrottesley* said, that the practice of taxing profits to the poor-rate was unsatisfactory, and always had been unsatisfactory. The best mode of settling these cases was by private compromise.

Lord *Ashburton* agreed, that the judgment spoken of by the noble Lord went to effect a complete revolution in the mode of rating. By the law, as it now stood, the profits of the farmer were liable to be rated.

Subject dropped.

HOUSE OF COMMONS,

Thursday, June 6, 1839.

MINUTES.] Petitions Presented:—By Mr. DARBY, and Sergeant JACKSON, from Brighton, and Roscommon, against the Government Plan for National Education.

LONDON BRIDGE APPROACHES BILL.] On the motion that the Bill be read a third time,

Sir *R. Inglis* objected to the bill, and to the circumstances under which it was introduced to the House. His objection was not to its title; but by clause 71 of this bill, power was given to the Governor and Company of the Bank of England to destroy a church attended by not less than 700 persons, and in which there was also service four times a-week, and 700 persons had attended it last Tuesday morning. He was ready, though unwillingly, to consent, that part of the church—namely, the tower—should be pulled down for such a purpose; but he was not willing to consent to give power to the Governor and Company of the Bank of England to traffic with consecrated ground, and to appropriate it to such a purpose, as that of making a Sun fire office. He believed, also, that an alteration to such an extent would be perfectly unnecessary, as a space of 40 feet could be given without destroying the church, which was also wider than many of the thoroughfares of the city. He had been told in the House, that the bill, as it stood, had the consent of the Archbishop of Canterbury, and of the Bishop of London. He admitted to the House, that no one could feel more strongly than he did the merits of the Bishop of London; but though he had confidence in the present Bishop, as to this measure, he could not have the same confidence in the Bishops of forty years hence. A great number of persons would be deprived of their place of worship by this measure. It was, also, a very interesting church to this country, Sir Miles Coverdale, the first translator of the Bible, being buried in it. In the course of the last ten years, three churches had been pulled down in improving the approaches to London Bridge, and in the course of the last century, twenty other churches for the same purpose. The former great desecration was no ground for asking for powers for further desecration. He, therefore, moved, that the words in the preamble of the bill, giving power to pull down the whole or part of St. Bartholomew's Church, be altered, by leaving out the words, "whole," and retaining only "part," and that the 71st clause, be omitted.

Mr. *Herries* was not surprised at the opposition of the hon. Baronet, knowing, as he did, the interest which he took in every measure connected with the Established Church. But he could assure the hon. Baronet, that the committee on the bill had sanctioned the bill in its present shape, with the best feelings towards the Church. His hon. Friend had, however, overrated the importance of the particular church in question as a place of worship. He doubted not that 700 persons attended divine worship there on Tuesday last; but usually the numbers who frequented it were about fifty or sixty, and indeed, extremely limited. The leading consideration that determined the committee was, that the bill gave an alternative power to pull down the church, or only part of it, as circumstances might require; that the Archbishop of Canterbury, and the Bishop of London were appointed trustees, and the church could not be removed, unless these reverend Prelates saw that such a step was unavoidable.

Viscount *Dungannon* said, the church to which this bill applied was one of long standing, and he entirely concurred with the views expressed by the hon. Baronet. The precedent sought for was of the most dangerous nature. He would not object to the removal of the tower; but it was too much to ask for the demolition of the whole of the sacred edifice, and he should support his hon. Friend in any amendment, to shew his feelings upon the subject.

Mr. *Sheppard* said, that the pulling down of a church for such purposes as those contemplated by this bill, would be attended with the ruin of the best interests of the country.

Mr. *Estcourt* considered that it was a most monstrous proposition, to call upon the House to sanction the destruction of a church upon such inadequate reasons. It had been said that 5,000*l.* had been subscribed to replace it by a new church, but that was to be erected in a different parish, and would, therefore, be of little or no avail, to those who frequented the existing one. Parliament, the public, and the Bishop of London, had declared there was an alarming want of church accommodation in the metropolis, yet power was sought by this bill to destroy one church. He must oppose any such measure.

Sir *R. Inglis*, after the explanation given by his hon. Friend who had moved the third reading of the bill, would not press his amendment to a division, although he certainly was not by any means reconciled to the measure.

Viscount *Dungannon* was exceedingly sorry to trouble the House, by calling for a division on this bill, particularly after the withdrawal of the amendment by the hon. Baronet; but he considered the precedent which would be conveyed, by its passing to be of so serious a character, that he should deem himself to be neglectful of his duty, if he did not press for the sense of the House. The bill proposed to disturb the remains of the dead, on the plea of adding to the public convenience. He should be acting contrary to his conscience if he should allow such a bill to pass, and, therefore, moved as an amendment, that it be read a third time that day three months.

The House divided on the original question; Ayes 82, Noes 33:—Majority 49.

List of the AYES.

Abercromby, hn. G.R.
Aglionby, H. A.
Ainsworth, P.
Alston, Rowland
Archbold, Rob.
Attwood, T.
Bailey, J.
Baines, E.
Barnard, E. G.
Barron, H. W.
Beamish, F. B.
Berkeley, hon. H.
Blake, W. J.
Blakemore, R.
Busfield, W.
Butler, hon. Colonel
Canning, rt. hon. Sir S.
Chester, H.
Clay, W.
Codrington, Admiral
Crawford, W.
Davies, Colonel
Dennistoun, J.
Duncombe, T.
Easthope, J.
Eastnor, Lord Visct.
Ellice, rt. hon. E.
Ellice, E.
Evans, W.
Finch, F.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Hall, Sir B.
Hastie, A.
Hawes, B.
Hector, C. J.
Heneage, E.
Herries, rt. hon. J. C.
Hobhouse, rt. hn. Sir J.
Hodges, T. L.
Hoskins, K.
Hutt, W.
Hutton, R.
Jervis, J.
Jervis, S.
Law, hon. C. E.
Lowther, Lord Visc.
Lushington, C.
Lygon, hon. Gen.
Mahon, Lord Visc.
Martin, J.
Martin, T. B.
Mildmay, P.
Palmer, C. F.
Parrott, J.
Pattison, J.
Philips, G. R.
Phillpotts, J.
Pryme, G.
Redington, T. N.
Russell, Lord C.
Sanford, E. A.
Sheil, R. L.
Speirs, A.
Stanley, E.
Stansfield, W. R. C.
Staunton, Sir G. T.
Steuart, R.
Stuart, Lord J.
Stuart, V.
Strickland, Sir G.
Style, Sir C.
Thornely, T.
Wallace, R.
Ward, H. G.
White, A.
Wilshere, W.
Winnington, T. E.
Winnington, H. J.
Wood, T.
Yates, J. A.
Young, J.

TELLERS.

Maule, Fox
Wood, Sir M.

List of the NOES.

Acland, T. D.
Alsager, Captain
Ashley, Lord
Bagge, W.
Broadley, H.
Bruges, W. H. L.
Cole, Viscount
Courtenay, P.
Darby, G.
De Horsey, S. H.
Duffield, T.
Du Pre, G.
Estcourt, T.
Glynne, Sir S. R.
Grimsditch, T.
Hale, R. B.
Hodgson, R.
Houstoun, G.
Jackson, Mr. Sergeant
James, Sir W. C.

Lincoln, Earl of
Mackenzie, T.
Mathew, G. B.
Maunsell, T. P.
Miles, P. W. S.
Pakington, John S.
Palmer, G.
Perceval, Colonel
Perceval, hon. G. J.
Plumptre, J. P.
Round, J.
Sheppard, T.
Yorke, hon. E. T.

TELLERS.

Inglis, Sir R. H.
Dungannon, Ld. Visc.

Bill read a third time and passed.

Roman Catholic Bishops.] Sir *R. Inglis* wished to put a question to the noble Lord connected with a subject which he (Sir R. Inglis) considered of some importance. The House was aware that a certain address had been presented to the high sheriff of the county of Mayo, the first name to which was that of the Lord-lieutenant of the county. The next, as reported in the *Freeman's Journal*, was "John Archbishop of Tuam." He would take no notice of the third signature, and would give no opinion upon it; but he wished to ask whether the noble Lord had instructed the Attorney-general for Ireland to take any proceedings in consequence of the assumption of that title, in reference to the clause in the Roman Catholic Act which prohibited Roman Catholic prelates from assuming the titles of Protestant dignitaries?

Lord *John Russell* had not seen the requisition to which the hon. Baronet had alluded; but in answer to the question put to him, he would state, that the Government had not given any directions to the Attorney-general, nor had they communicated with the Lord-lieutenant of Ireland on the subject, and unless there was an absolute necessity for so doing, he should not think it proper to take any steps in reference to it. On one occasion, when an application was sent to him by a person acting on behalf of Dr. M‘Hale, asking that certain petitions should be laid before his late Majesty, that individual had taken the title of Archbishop of Tuam, and he had immediately written to him, stating that he could not present the petition to his Majesty, as he had assumed a name to which by law he was not entitled. Therefore, whenever it came before him officially, he should entirely deny that Dr. M‘Hale had any right to assume that title; but he could not agree in the propriety or expediency of instituting prosecutions on such a subject.

Mr. *O'Connell* did not know whether the noble Lord was aware that there was no such clause in the Roman Catholic Relief Act as that stated by the hon. Baronet. The clause prohibited others from giving any Roman Catholic that dignity, but it did not prevent him taking it himself.

Lord *John Russell* replied, that in the case to which he had alluded, the title was not given by another to Dr. M‘Hale. Whether or not there was that default in the Act mentioned by the hon. and learned Member, he did not know.

Mr. *O'Connell* observed, that there was no such Protestant dignitary as the "Archbishop of Tuam," at the present time. There was a Bishop of Tuam, but no archbishop.

Sir *R. Inglis* said, in consequence of the statements of the hon. and learned Member for Dublin, he had obtained a copy of the Roman Catholic Relief Act, and after perusing it, was convinced that he (Sir R. Inglis) was right, and the hon. and learned Member wrong. The hon. Baronet then read the 24th section of the Act, from which it appeared—

> "That if any person, after the commencement of this Act, other than the person thereunto authorized by law, shall assume the name, style, or title of archbishop of any province, bishop of any bishoprick, or dean of any deanery, in England or Ireland, he shall for every such offence forfeit and pay the sum of one hundred pounds."

Mr. *O'Connell*, after reading the Act, admitted that the hon. Baronet was right, and that he (Mr. O'Connell) was wrong. Any person in or out of that House might call another the bishop or archbishop of any place, but the individual was not at liberty to assume the title himself.

Controverted Elections.] The House resolved itself into a Committee on the Controverted Elections Bill.

The *Chairman* read clause 22, which had reference to the appointment of the general committee by the Speaker, that were to select the sub-committee to try election petitions.

Lord *Mahon* entertained considerable doubt as to the practical working of this clause. The committees to try petitions were to consist of seven Members, to be chosen by the general committee of selection. Now in what manner would this committee of selection be able to proceed? Six Members, indeed, they might choose without difficulty—three from one side of the House and three from the other—but he (Lord Mahon) did not understand in what manner the seventh Member of the committees could possibly be selected so as to constitute an impartial tribunal. It was well known that there were but few Members in that House who were not attached to one or the other of the two great political parties into which the House was divided. Now, it was equally well known that a strong difference of opinion existed on the part of the Members of those two great political parties, on many disputed points of law. As an example he would take the question of opening the Irish registry. Judging from the committees of last year, it might be asserted, that with scarcely an exception, one side of the House was in favour of opening the registry, while the other was opposed to it. Now, then, in the case of an Irish petition of which the success should depend wholly upon opening or closing the registry, he did not know in what way the seventh Member could be so chosen as to secure an impartial decision upon it. The opinions of the few Members who might be regarded as unconnected with either of the two great parties on the question of opening the registry would soon become previously known, therefore the hope of selecting one of that class to constitute the seventh Member, with a view to form a tribunal, satisfactory to both parties, could not long be entertained. This had always appeared to him to be a great practical objection on the face of the bill. The principle of selection involved the certainty that the seventh Member would give a predominance to one political party or the other. How, then, in practice, was this difficulty to be overcome? Which of the two parties was bound to yield? If the noble Lord opposite (Lord J. Russell) conscientiously believed, as no doubt he did, that in point of good law the registries of Ireland ought not to be opened, and if, being a Member of the committee of selection, he were to have before him the case of a political Friend, whose seat depended solely in this very question, and being right in that question, as the noble Lord believed—could the noble Lord in honour or in justice allow a seventh Member of the Election Committee to be named, if previously knowing from the opinions of that seventh member that he would inevitably turn the scale against his Friend? The same argument applied just as strongly on the other side to the right hon. Member for Tamworth. How then would this practical difficulty be met? He (Lord Mahon) believed that in practice it could only be met by alternate concessions. The one party would say, "Let us have our seventh man in the Carlow Committee, and then you shall have your seventh man in the Kilkenny Committee." But he (Lord Mahon) must contend that this was not justice—it was a miserable makeshift for justice. It might give a rude kind of balance and equality as regarded the strength of contending parties, but how would it afford any satisfaction to the claims of individuals? If no justice was done to the candidate at Carlow, it would be very poor comfort to tell him, that in return full justice would be done to his brother candidate at Kilkenny. And yet in his (Lord Mahon's) deliberate conviction unless the clause worked in this manner it would not work at all. Therefore, while he considered the twenty-one preceding clauses on the subject of recognizances to have been most ingeniously and correctly devised, he had ventured, before the question was put, to suggest the doubts he entertained as to the practical working of this clause.

Sir *Robert Peel* said, he would endeavour to give a satisfactory answer to the objection of his noble Friend. He would first take it for granted, that the jurisdiction was to remain in the House of Commons. If his noble Friend urged his argument for the purpose of showing that that jurisdiction ought to be transferred to another tribunal, that would be an entirely different question; but he had a right to assume that the intention of the House was, that the jurisdiction should remain with them. Then the objection of his noble Friend proceeded upon the assumption that the House was divided into two great parties, one decidedly in favour of opening the registry, and the other as decidedly opposed to it. Now, he denied that assumption. He had never given an opinion upon that question, and he believed there were a great many other Members who had not done so. He did not believe that, however forcible the arguments which might be addressed to the House on one side or the other of that question, Members were so determined to maintain their own opinions, as not to admit those arguments to have any weight in coming to a decision. He did not believe that hon. Members were so wedded to their political opinions, as to afford no chance of justice being done to the parties, whose case might rest upon those arguments. And yet this was necessary, in order to support his noble Friend's view. His noble Friend would leave the appointment of the special committee of seven Members to chance. How would he better the case by that? There was to be an odd Member. Now, according to the hypothesis of his noble Friend, every Member would vote according to his party bias, and not according to argument. Was it not a complete matter of chance, then, what the opinion of the seven members would be? On one occasion, the committee might be in favour of opening the registry, and on another it might be against it; so that, although in the general result a sort of wild justice might be done, yet no justice would be done in any individual case. One man would have injustice done him, and another man would have injustice done him, but neither political party would in the result be injured. But if it happened that there were a number of Members who were not committed upon that particular question of opening the registry, and he believed there were more than fifty who were perfectly willing to attend to the arguments that might be urged on the subject, and who would not decide upon mere party motives; then what he contended was, that selection would afford a greater probability of justice being done, than to leave the appointment of the seven Members to chance. If so, and if the jurisdiction was to remain in the House, though the remedy he proposed might be imperfect, still it was better than the present state of the law. But it was the duty of Parliament to settle the question of opening or not opening the registry. His noble Friend took one single point, on which he urged an objection—namely, the manner in which parties were divided, and then charged that defect, not on the party which ought properly to bear it, but on the tribunal itself. Why could they not so far disarm themselves from party feeling as to address themselves to the question, and determine whether the Irish registration should be opened or not? In the first place, then, he denied his noble Friend's assumption, that the parties were completely divided upon that question. He denied it for himself, and for a hundred other Members, all of whom he was confident would decide by argument, and not by party feeling. His second answer to his noble Friend's argument was, granting his hypothesis to be correct, that parties were equally divided upon the question, that selection was better than chance; and in the third place he would say, that it was the duty of Parliament to settle the question, and if they neglected that duty, that was no reason why the House should not make the best provision they could to meet the difficulty.

Mr. *Vernon Smith* did not think the right hon. Baronet had met the difficulty suggested by the noble Lord; and had not made out a case to justify the House in adopting the measure. If the selection of the seven Members who were to form the particular committee were impartially made, it might be a better mode than to leave their appointment to chance, but he could point out to the House cases where selection would be much worse than chance. The right hon. Baronet had not pointed out how the selection was to be settled when he came to appoint the seven Members. Could he say, that while there should be three Members of one set of opinions, and three of another, yet the seventh would be a Member who would act with perfect impartiality as an arbitrator? If not, then the right hon. Baronet could not maintain that the principle of selection was better than that of chance. This bill had not been brought forward in accordance with the views of any previous committee of inquiry. On the contrary, it was actually in the face of the committee, which was conducted by the hon. and learned Member for Liskeard (Mr. C. Buller). The House had nothing but the right hon. Gentleman's own showing to justify their adoption of the measure. He had no objection to the selection of the general committee of six Members by the Speaker, but then his appointment ought to be imperative upon the Members, and not optional. But the right hon. Gentleman, by this 22d clause, required two things—namely, the willingness of the Members to serve, and that the list of the Members nominated should be open to the disapproval of the House during the next three days. Why should not the appointment be imperative?

Mr. *O'Connell* thought the noble Lord's objection on the ground of party feeling biassing the decisions of election committees was borne out in many instances. Political feeling had created a difference of decision upon questions; for instance, as to the value of the franchise. The assistant barristers selected in Tory times were of opinion that 10*l.* clear value meant 10*l.* paid by a solvent tenant; whereas, the assistant barristers who had been appointed latterly had been of a different opinion. Thus a question, which was strictly one of law, was regulated by the party bias of the individual. The right hon. Baronet had asked, why should not the Legislature decide whether the registry should be opened or not? Was there the least chance of their obtaining such a decision? Everybody knew, that if any bill went to the House of Lords upon the subject, they would introduce a clause for opening the registry, while the Commons would be for closing it. They must then take the law as they found it. The right hon. Baronet had said, that selection was better than chance. It was, however, contrary to the practice with regard to other tribunals. In trials by jury the tribunal was appointed by chance. Selection was the original mode; but that had been abandoned, and chance adopted in its place. The great mischief in that House was men deciding upon oaths questions upon which they were influenced by party feeling. It was a great evil that persons of the rank and station in life of those who composed that House should be led to decide in that manner. To reserve the decision of election committees exclusively to that House, might, perhaps, be justified on general and constitutional principles; but it had manifestly a most unhappy result. There was this to be said for appointments by chance instead of selection: a person who was defeated by chance, was certainly not so much irritated as if he had been defeated by selection. He did not, therefore, think there would be any improvement by resorting to selection instead of chance. He had another objection to urge. He thought the mode proposed, to select the particular committee for trying election cases would do away with all responsibility. He would prefer—if seven Members were to be selected at all for the trial of petitions—that the Speaker should have the responsibility of appointing them. It was a mere nominal responsibility to appoint the six Members who were to constitute the general committee, because those six persons would have to try nothing. If they, who formed that general committee, did not act egregiously wrong in the selection of the particular committee of seven, public opinion would not affect them; nor as the case stood, would public opinion affect the Speaker, because the general committee of six would stand between him and the particular committee of seven. Responsibility was, in fact, annihilated by multiplying the number of those who were to be on it. Upon this ground, also, as well as concurring in the able argument of the noble Lord (Lord Mahon) upon the other point, namely, party bias, he should take the sense of the House upon this clause.

Viscount *Howick* concurred in the argument urged against the principle of giving to the general committee the power of selecting the particular committees; and thought the answer of the right hon. Baronet to that argument a most inefficient one. At the same time, he could not concur in the objection to the clause now before the committee, which had no reference to the power of selection; that being given by a subsequent clause. He thought the present clause, which only referred to the appointment of a general committee by the Speaker, a most useful one. He was anxious that such a committee should be appointed, and thought that the functions pointed out in the twenty-one preceding clauses could be very well discharged by such a committee; he alluded particularly to the division of the House into panels. But he would suggest, that instead of the general committee selecting the particular committee, they should ballot (without requiring the presence of the Members) for those who were to constitute that particular committee; and he would also propose, that after balloting a list of seven, they should ballot a supplemental list of seven other Members, which latter list should be kept sealed up, and only opened in the event of any one or more Member or Members of the first list being objected to, and the objection held good. In that case, the name objected to should be struck off the list, and the first name of the supplemental list be substituted for it. With respect to the questions of law that might arise, he thought the only mode of escaping from the inconvenience of the existing system was to adopt the proposition made a few years ago by the committee conducted by the hon. and learned Member for Liskeard—that of appointing assessors learned in the law. Those assessors would soon authoritatively settle all disputed questions, and then the Members of the House, with the assistance of the assessors, would be perfectly qualified to dispose of the cases that might be brought before them. It was not only a question of opening the register, or a question of beneficial interest, but there were many other questions, all of which however resolved themselves into questions as to the construction of the Act, so as to enlarge or contract the franchise. It might be very easy for the selected committee to discharge some duties, but if the duty were imposed upon them of selecting the trial committee, which would give away the seat to one party or the other, the House would soon ruin their character, that neither the one side of the House nor the other would place any confidence in their decisions. But those were not the only objections. He objected to the arbitrary power of appointing the gentlemen to serve upon the election committees. All knew that it was a disagreeable duty, but all were willing to take their chance of being called upon to perform it, though they would object to being called upon imperatively and at whatsoever inconvenience, by other Members to undergo this onerous and painful restraint; or if the House gave this tyrannical power, they would enable the committee to press into service on long and difficult cases any gentlemen that they thought ought to serve, and if excuses were to be listened to, what endless irregularities and jobbing would be produced! Were they to throw extra duties upon those Members of the House who were conversant with the laws, and was an extra share of those duties to be thrown upon them? If so, they would be subject to render services which could not fairly be required of them; and if these calls were not to be made, then the House was not in a situation to dispense with the appointment of assessors. Indeed, the whole question was, whether they ought not to adopt the suggestion of the committee in the proposal of his learned Friend the Member for Liskeard, and appoint permanent assessors. He, for one, was decidedly favourable to such a course.

Sir *Robert Peel* thought, that it would be better to answer objections made to his bill one by one, as they arose. The hon. Member for Nottingham (Mr. V. Smith) asked why he did not give the Speaker the power to insist upon Members serving on these committees. Now, they did not find any deficiency in Members undertaking the voluntary duties of the House, there was no difficulty in finding Members who would serve on the committee of private business, or on the standing orders committee, or on others having difficult duties to discharge. What induced individuals now to discharge these extra duties? The desire of forwarding the public service and the anxiety for distinction. Nay, what had recommended the right hon. Gentleman to the Chair of that House, but the exemplary manner in which he assisted in conducting the private business of the House. He was sure, that if they placed confidence in this election committee they would have the duties discharged without party feeling, and sure he was, that six Members of the House in whom confidence could be placed, would be found. Then the hon. and learned Member for Dublin (Mr. O'Connell), who was opposed to the principle of the bill, did not seem to be able to forget, that he wished to remove the jurisdiction from that House. That might be a fair proposition to be discussed on the second reading, or on going into committee, but now that they were in committee he only asked them to proceed to the consideration of the clauses, as if the jurisdiction was to be continued in the House. The hon. and learned Gentleman had said, that twenty-three committees had tried the question as to opening the register, and that all had decided the question according to their party bias. This was a confirmation of the view of the noble Lord. And if this were the case, could there be a stronger condemnation of the evils of selection by chance? If what the hon. Gentleman said was true, that twenty-three committees were selected by chance, and that each had decided according to the preponderance of party feeling, could anything more strongly condemn the present system? What, then, did the hon. and learned Gentleman say to induce the House to let the jurisdiction go out of the House? Why, that there was another question — a question of value, and that the revising barristers of long standing decided one way, and that the barristers of more recent appointment decided another. This showed, that party influence swayed others who were not in that House as well as those within it. The hon. and learned Gentleman told them, that so predominant was party feeling that the barristers decided the same question different ways. But if it were true, that the old barristers decided one way, and the new barristers another, and that the barristers appointed by one administration decided one way, and barristers appointed by another administration, decided the other, was not that a conclusive reason why the House should pause before it parted with its jurisdiction? If they allowed this — if they deprived themselves of their legitimate privileges, the sooner they shut the door the better. Then the noble Lord opposed all chance and he (Sir R. Peel) was asked why he did not allow the Speaker to name the particular committee as well as the permanent committee of selection; but if the Speaker were to name the particular committee, he thought, that he would be brought too much into immediate contact with their party discussions. He thought, however, that the Speaker would make a fair selection of the six, and that then he should be relieved from further responsibility. He wished and believed, that the Speaker would choose three Members from each side of the House; they might not be thought by Members on either side quite so eligible as if all had been chosen from their own party, but they would be generally admitted to be capable: and he thought, that it would not be fair to throw upon the Speaker the immediate responsibility of selection. Then the noble Lord would permit a choice of Members, partly by chance and partly by selection; he was not adverse to the selection of the first committee, but then he wished to divide the House into panels, and to make use of the ballot, but how would any good be effected by this? And how would the parties know how to object to the first seven drawn, if they did not know, that those who would supply their places were less objectionable? And was there to be given a power of objection from party or personal interest? If so, the challenge would be almost useless. But the last point touched upon by the noble Lord was the most important; he alluded to the appointment of assessors. This was a grave question. He thought, that it might well form a question on the registration bill, whether, if they were determined to have a court of appeal, they would employ the judges as assessors on election committees? But, as the noble Lord had now brought forward the question of the appointment of assessors, he must say, that he entertained the strongest doubts upon the subject. If a permanent body of assessors were attached to the committees of the House, they would have most important duties to perform in one session out of five or six, but would have no onerous duties to discharge in the others, and the result would be that the House, discovering that able men only labouring one year out of five, would say, "Let us find for them some other duties;" and the House, as a consequence, would lose credit with the country, for it was already thought that there was a disposition in the Members of the House to shrink from the discharge of important legislative duties not connected with party. He did not speak of one side or of the other —the evil might arise from the balanced state of parties, but when questions the most important were under consideration, such as related to the criminal law or to the regulations of prisons, Members asked, "is there to be a division upon this?" and if they were answered in the negative, though the question might involve interests the most important in a judicial or a commercial point of view, hon. Gentlemen were very careless in the discharge of their duties. And with this feeling existing, if they appointed these assessors, it would be said, why not refer the private business to them? Why not give them all bills to look over instead of passing them through a committee of the whole House, and so on till they resolved themselves into a mere political debating society, loosing their hold upon the confidence of the country, which would think that they were unwilling to enter upon their legislative duties. He was sure that if hon. Members would apply themselves, they would be able to understand it. He for one, though he had every respect for the bar, did not look upon a wig or gown with any degree of reverence; and he thought that a plain country gentleman, without making any mystery or puzzling himself to find the meaning, could easily know something of election law. If they turned their minds deliberately to the consideration of the election law, they would be able to do this; but if there were assessors appointed they would never do it, for they would say, "We are but jurors; the assessor will direct us; to find out the law is a tedious duty, and we need not do that which we have paid a man to do for us." In fact, if there were assessors, there would soon be found other duties to perform. The learned Gentleman (Mr. Buller) had said, that ninety-nine out of every hundred gentlemen qualified to act as chairmen at quarter sessions, would be competent to decide on points of election law, and he saw no reason why it should not be left with those who were admitted to be competent. He recollected when young Members applied themselves to the conduct of public business, and did not confine themselves to speeches in debate; and he believed that if the Members of the House did not discharge this duty, they would paralyse the House, injure its character with the public, and prevent the younger Members from qualifying themselves for higher duties afterwards.

Mr. *C. Buller* said, that as the hon. Baronet had gone at some length into the question of the appointment of assessors, it was necessary that he should answer one or two of the arguments advanced. The hon. Baronet thought, that the appointment of assessors was a question which had better be left for consideration on the Registration Bill; but it certainly did seem equally proper for this bill, as for the other, and he, for one, thought that it was, of the two, better introduced into this bill, because this bill had a better chance of passing than the other. In much that the hon. Baronet had said relative to the assessors, he concurred; he concurred in thinking that it was indispensable for young Members to make themselves acquainted with the work of the House; and he agreed also in the right hon. Baronet's statement, of his total want of reverence for the superior qualifications of lawyers, and he did not consider them more fit, because they put on a wig and gown, to decide legal questions; but he wished to select them on the same principle as he deemed country gentlemen who were chairmen of quarter sessions fit, because it was a great thing to secure the services of those who were in the habit of attending to these questions. He did not wish that Members should be taken this day, and never chosen afterwards; it was the habit of directing the mind to judicial decisions which gentlemen acquired at the bar which he required. He did not so much require legal knowledge as a permanent judicial character in these tribunals; he would not take a Member one day to decide one point, and then turn him adrift the next, and have the same point decided by another Gentleman of equal intelligence, and of equal competency, but who had never had his attention directed to it before. He took the lawyers, therefore, as assessors, not because they were the sole persons qualified, but because their habits of life led them to a method of judicial thinking. He would rather take Members of the House, if they were qualified, but his chief object was to obtain assessors of a permanent character. He thought that the plan of the right hon. Baronet would secure a better committee, and that the Members would have a better sense of justice; but his plan was still open to the objection, that there would be one committee one day called upon to decide a particular point of law, and in which the Members would get in their minds a certain degree of knowledge on the law of evidence, and a certain insight into election law, and the next day they would be turned out, and others appointed who would have none of the advantages of their legal knowledge; the new committee would have to learn all that the former committee knew, and there was not the slightest chance, even under the right hon. Gentleman's plan, of obtaining permanent decisions. The second committee might be as intelligent as the first, and yet come to directly opposite conclusions. Great crotchets had been invented even by able lawyers; but the only chance for security or permanence was to have the same person present at each tribunal. The intolerable length of many committees arose from the Members' ignorance of the law. The right honorable Gentleman said, that this was under a system of chance, but his method did not provide any remedy for the evil. Under that, as under the present system, all the Members would have to learn election law. Everybody did not learn it as a matter of course, and indeed he believed, that very few Members knew even the elements of election law till they were put upon a committee. This was the reason why he wished for the appointment of permanent assessors, as authorities to point out to the committee the law of evidence, and, as chairman, to settle mere questions of customary proceedings. There would then be little trouble. He would not take the power out of the hands of the committee, but he would place one intelligent man upon the committee, that upon all minor points, his opinion might be taken. Again, the Members of the House were constantly fluctuating, and a fluctuating body could never do judicial duties well. One part would be upsetting the law of its predecessors, and if they had assessors, the country would still complain, as it now did of the bad manner in which Members of Parliament did their duty. The right hon. Baronet thought, that if assessors were appointed, there would be an inclination on the part of Members to shift great duties upon them; but there were many duties which no one now discharged and which it would be desirable to give to lawyers appointed assessors, such as a permanent chairman on private bills, on which they might, in many instances, interfere, so as to improve the character of the House; and again, that they might see, that the provisions of many new laws passing that House were consonant with the old laws. The main objection to the appointment of assessors seemed to be, that they would not have sufficient business, but if they considered the great delay, expense, and uncertainty of the present system, which caused great evils to the public, he thought, that much good would be effected by appointing these assessors; and if they were appointed, the House need not fear, that their abilities would be wasted, and that there would be too little for them to do. He regretted, with the hon. Baronet, the general inattention of Members of that House to the private business; but he believed, that without reference to party questions, there was quite work enough for them all, both young and old, without also calling upon them to do business of this kind, which was of an extraneous nature, and quite beside their duties as Members of that House. As to the assessors, many objections had been made. One did not like their being Members of that House; another objected to them because they were appointed by the Speaker; but if there was something like permanency and competency established in the tribunal, he cared not by what precise means the principle was carried out.

The *Solicitor-General* conceived, that the suggestion which had been thrown out, that the services of the assessors should be employed out of the session of Parliament, if acted upon, would entirely divest those officers of the character of permanency which it was proposed to give to them; and he thought that the plan suggested of procuring the assistance of Members of that House to act in this capacity was equally objectionable. The hon. and learned Gentleman, the Member for Exeter (Sir W. Follet), for instance, during the last session, was one of the counsel who most frequently appeared before the election tribunals of that House; but was it to be supposed that a Gentleman in his situation quitting the profession, as it were, and the ordinary course of his practice at law, would fix himself as an assessor, to act in turn one year out of every seven? He begged to enquire too, whether it was at all probable that a gentleman so chosen and so acting, would be likely to have much influence over those counsel who appeared before him? There was another reason which weighed very heavily on his mind against the introduction of assessors at the present time, which was, that in case of necessity their assistance might hereafter be secured, although, if they were now adopted, it would be exceedingly difficult to get rid of them. He thought, therefore, that it would be better to proceed, first with the committee only, and then, if in the course of years it should be found that something was still wanted, the change might easily be made. He could not help saying, however, that in his opinion it was matter which the House should deeply consider, whether business of this kind should not cease to be legislative business at all.

Sir *R. Inglis* said, that his objections to the plan of appointing assessors were these:—They were either to have some authority, or not. If they had not they would be a useless incumbrance to the proceedings of the committees. If it were proposed that they were to have any powers conferred upon them, he considered that such a course was equivalent in principle to a surrender *pro tanto* of the exclusive jurisdiction of the House in the trial of elections. To that surrender he was quite prepared to assent; if it were made fully and entirely: but the present suggestion combined the evils of retaining and the evils of relinquishing such jurisdiction. He did not concur, therefore, in the proposition for their appointment; and although he felt the difficulties pointed out by the noble Lord in the plan of the right hon. Baronet, yet he thought that no better plan could be devised, and that the House ought to give it a full and fair trial.

Mr. *Warburton* was certainly very desirous of retaining the jurisdiction in cases of this description within the House. The conclusion to which he had come was this: he agreed to the committees, as they would be composed under the bill of the right hon. Baronet; if the questions referred to them were of a proper nature they might decide upon questions of bribery, and as to the conduct and misconduct of returning officers, and he believed, that such committees without assessors would decide fairly enough. But then he thought that the assessors might form an appellate court for deciding any questions which might be referred to them. Then, as to undecided points of law, he agreed with the right hon. Baronet that they were for this House to decide. If the legal assessors decided them, and the decisions should prove disagreeable to the House, he believed that the House would take upon itself to give their judgment also, and so the principle would be lost. If, then, these powers were taken away, the assessors would be deprived of all their functions. He was willing, therefore, to abstain from making any further general observations upon the bill, but would reserve to himself the right of making any further objection on its third reading.

Sir *Charles Grey* said, that every one who gave his opinion upon this subject spoke in a manner condemnatory of the confusion caused with respect to the conflicting decisions formed by different election committees. That arose from there being a number of tribunals created by the present law, possessing co-ordinate powers, which were obliged to decide mixed questions of law and fact on a sudden. There was another objection which must also be admitted, but which was the least of all, perhaps, that the tribunals consisted of persons who did not belong to any profession, whose nature made them competent to give such decisions, although he agreed, that every Member of that House, if he pleased to apply his attention and time, might and could arrive at a fair conclusion upon the cases submitted to him; but the main defect was, that there was no tribunal which was competent to pronounce a final decision. He conceived, therefore, that some general committee should be appointed, which should have the power of pronouncing a final decision; and he thought, that any measure which secured that object, whether by means of assessors or not, would be the most desirable.

Mr. *Williams Wynn* was decidedly in favour of the manner in which it was proposed, that the Committee should be appointed by the bill of the right hon. Baronet: and he thought, that the six Members could much better appoint the seven Members who were to try the petition than the Speaker. It might be that there were some instances in which some good ground of objection might be urged against an hon. Member, which, while it could be noticed privately, could not be put forward in a public manner. He conceived, therefore, that it would be the best plan to give a peremptory challenge, without any reason being openly stated for it; and, if such a plan were adopted, at all events the Committee must be considered and admitted to be impartial. He thought it very desirable that there should be an appellate court for the immediate decision, on the spot, of all questions disputed before the revising barristers. The decisions so come to should, in his opinion, be annually laid before Parliament, in order that should conflicting decisions be come to, Parliament might lay down the law by specific enactments. Uniformity of decision would be ultimately arrived at by the appointment of such a court.

Mr. *Villiers* said, it was admitted on all hands that the plan proposed by the right hon. Baronet was a decided improvement on the existing system. It was also generally agreed, that it was most desirable to have an appellate court to decide questions disputed before the revising barristers, and which afterwards came, under the present system, before election Committees of that House. He did not think there could be much difficulty in agreeing on the constitution of such a court. It would decide four-fifths of the business usually brought before the election committees. All that remained was to decide upon the constitution of the appellate court.

Lord *John Russell* said, it appeared to him, after hearing all that had been said upon this subject, that the first great object to be gained was, the insuring greater certainty than could now be obtained in decisions upon questions of disputed votes—that there should be a tribunal (a court of appeal or otherwise) by which the right of voting in particular cases might be decided on with more uniformity, and whose decisions would have a greater public notoriety. Such a tribunal should be of a permanent nature. What the court should be that was to try election petitions was quite a different question. Indeed, the whole course of this discussion had been to separate those two questions. A sufficient tribunal to decide the more restricted and contracted questions, arising out of election petitions, might be formed within the House itself. At one time he was disposed to think, that with advantage assessors might be attached to the election committees; but he now saw many objections to that plan, particularly as it broke in upon the principle that all decisions on election petitions should take place with the House itself, and not before an external tribunal. Two objects might thus be gained. First, a permanent tribunal might be constituted for the settlement of questions disputed before the revising barristers; and, secondly, a mode of trying election petitions preferable to the present system might be obtained. Now he certainly did not see that it was either proper or necessary that both these questions should be combined in one bill, as in the bill before the House. It appeared to him that it would be much better for the hon. Member for Liskeard to take away from this bill the clauses which had reference to the court of appeal, and embody them in a separate bill, which bill he should make go along as far as he could with the present bill. If there were such a bill, however, he (Lord John Russell) would vote against the proposal that professional men should act as chairmen of the election committees. He did not mean finally to decide nor to adopt that principle; but he thought that for the present they might try another mode, one which would not render it necessary to ask for the assistance of others than Members of that House. A difficulty had occurred to him with reference to the practical operation of the clause now before the House, and the clauses dependent on it. He referred to the general and the select Committees. He thought it would be very difficult to obtain a general committee which should for any length of time agree in the selection of a select committee. He could conceive, that if the House were divided into five panels who had only to choose one select committee, a very good select committee might be chosen; but when there were a great many of such committees to be chosen, as for instance at the commencement of a new Parliament, it would, he thought, very soon be found that differences of opinion would arise—that the six Members of such select committees would be very easily chosen, but that there would be some difficulty in choosing the seventh, because he would necessarily belong to some party or other, and the appearance of impartiality would not be attained. Now it seemed to him that a better plan might be adopted, one which he would now suggest, though, as he had not yet consulted any one upon it, it would, no doubt, be open to many objections. He would suggest, that there should be a division into panels, as proposed by the right hon. Baronet, and that they should choose six members of the proposed select committee, but that the seventh, or chairman, should be chosen out of a separate list of forty or fifty Members previously selected for the purpose, and placed alphabetically on such list. The six Members having been duly chosen, he would propose that the first Member on the alphabetical list should, as a matter of course, be taken as chairman, and so on with the next, and the next, until the whole list was exhausted, after which it should be recommenced. This plan, it appeared to him, would insure the services of persons of experience to be chairmen of such committees; at the same time, that all selection on the score of party would be avoided, inasmuch as the next name on the list, of whatever party the Member might be, would be that taken. He only threw this out for consideration: and in the meanwhile he would suggest to the hon. Member for Liskeard to incorporate his plan of an appellate court in a separate bill.

Mr. *C. Buller* expressed his willingness to adopt the suggestion of the noble Lord. He had listened attentively to this discussion, and he confessed, that he had been a good deal surprised with reference to the expediency of appointing legal assessors. It must be borne in mind, that when he first proposed the appointment of assessors, the hon. Member for Bridport had not suggested the adoption of the principle of an appellate court. Since that very valuable suggestion had been made, however, the necessity for assessors had become very considerably diminished. The appointment of the appellate court, would so materially diminish the duties of the election committees as to render the appointment of assessors less necessary. With regard to what had been thrown out by the noble Lord, he was disposed to concur in it, with the exception, that he thought, certain Members of that House might be fixed on as permanent chairmen of election committees. A certain number of Members might be selected as eligible for the office (without salary, of course), and they could select one of their own body to act as chairman in each particular case. Suppose six permanent chairmen were to be appointed with this power.

Sir *Robert Peel* thought the proper time for discussing the question of the appointment of chairman would be when they came to the clause relating to it. He had not the slightest objection to the principle of the appointment of a court of appeal from the decisions of the revising barristers. He had not the least wish to adhere to the details of his plan, feeling, as he did, that, after all, the real difficulty would consist in the appointment of the seventh member of the proposed committee. He was wholly unprejudiced and unprepossessed on the subject, and would be happy to attend to any suggestion; but he thought, the fitting time for any such discussion was when they came to the proper clause.

Mr. *O'Connell* suggested to the hon. Member for Liskeard, that he should endeavour so to arrange the introduction of his proposed bill and its progress, that it might proceed *pari passu* with the present bill, and the third reading of both come on at the same time. One circumstance he could not help remarking, that not a single word had been said on either side of the House in favour of the present system.

Clause agreed to.

The remaining clauses were, with verbal amendments, agreed to.

Mr. *Charles Buller* was unwilling to press the introduction of the clauses of which he had given notice, if by doing so any delay or difficulty should be produced with regard to the progress of the bill of the right hon. Baronet. He was ready, therefore, to make those clauses the subject of a separate bill, and would accordingly, on a future day, if agreeable to the House, move for leave to bring in a bill to appoint a Court of Appeal from the decisions of the revising barristers.

Mr. *Warburton* said, if there were any risk that by proceeding with the clauses proposed by the hon. Member delay should take place so as to endanger the passing of the bill this Session, he thought, it would be most prudent to make them the subject of a separate bill.

Sir *Robert Peel:* The clauses of which the hon. Member has given notice, were intended to provide the means for reconciling the conflicting decisions of the revising barristers. They proposed to establish a Court of Appeal for that purpose, and to that principle he had no objection, nor to the bringing in a bill to carry that principle into effect. But he trusted, that the course which the hon. Member had adopted would not operate so as to interfere with the progress of the present measure.

Lord *J. Russell* said, certainly nothing of that kind ought to obstruct the progress of this bill; but he did not think it would be so complete without some such measure as that proposed by the hon. Member for Liskeard.

The House resumed. The Committee to sit again.

WINDSOR CASTLE STABLES.] On bringing up the Report of the Committee on the Land Revenues or Windsor Castle Stables,

Mr. *Goulburn,* not having been in the House last night when the right hon. Gentleman opposite (the Chancellor of the Exchequer) moved for the vote of £.70,000, to be applied out of the land revenues, for the building of stables at Windsor Castle, wished now to state, that he thought it would be only just and proper that an estimate of the expense should be laid on the Table of the House before they voted the appropriation of so large a sum as £.70,000 of the public money. The proposed grant for the erection of these stables was professed to be taken from the revenues of the Crown; but the House was aware, that the revenues of the Crown were, during the reign of her present Majesty, under the control of Parliament, so that this sum, though nominally supplied from the revenues of the Crown, would be in effect provided for out of the public funds.

The *Chancellor of the Exchequer* said, that there were many Members in the House who were present when he had explained the grounds on which this grant was proposed. He wished to call the attention of his right hon. Friend to a distinction which he had overlooked with respect to the revenues of the Crown. It was true, as his right hon. Friend had stated, that the land revenues of the Crown were during the reign of her present Majesty, public property, but there was another branch of the land revenue, which was under the management of the Commissioners of Woods and Forests, which was differently circumstanced. He alluded to the funds arising from the sale of Crown lands, and which under the existing Act, were applied, not as a matter of revenue, but were re-invested in the purchase of other lands. These funds were not dealt with as revenue, nor under any circumstances called to the public credit. They did not intend to take the proposed sum from the current revenue, but from the accumulated funds derived from the sale of Crown lands, and which now stood waiting to be re-invested. It was certainly true that if that money were re-invested in the purchase of land it would ultimately become a matter of revenue, and would come to the public credit. He had last night stated the facts on which the vote rested. During the last Session he had been reproached from both sides of the House with not having taken steps to perfect the plan for the improvement of Windsor Castle by the erection of the stables. The original estimate for the stables was 120,000*l.*, which, after proper inquiry, had been reduced one-half. There were some Gentlemen in the House who were acquainted with the condition of the stables at Windsor Castle, and who were aware that they were not only quite unfitting for a Royal establishment, but even for a private residence. The stables at Windsor were now in a state of such complete dilapidation, as to give rise to a great annual expense for repairs. It was intended to sell the site of the present stables which was expected to produce 10,000*l.*, and to apply that sum to the building of the new ones. It was said that the sum required for the mere purpose of building stables was enormous; but in referring to the expense of erecting similar buildings upon a much smaller scale he found that the expense was very nearly as great. The cost of building the Royal stables at St. James's was between 50,000*l.* and 60,000*l.*, and to those stables no riding-house was attached. It was a part of the present plan to provide a riding-house at Windsor, such a building being necessary to enable her Majesty to take horse-exercise in bad weather frequent horse-exercise being necessary to her Majesty's health. As to the point that no estimate had been presented, he could only observe that no other estimate could be given than that already before the House, namely, that a sum not exceeding 70,000*l.* be granted to defray the expenses of building stables at Windsor.

Colonel *Sibthorp* was one of those who would readily subscribe to anything which contributed to the pleasure of her Majesty, and hoped the resolution would be agreed to.

Mr. *W. Williams* said, the right hon. Gentleman had not attempted to show that this 70,000*l.* did not come from the pockets of the public. He thought it important that the public should understand that this sum came from them.

The *Chancellor of the Exchequer* had stated last night that there were two funds; that the one coming from the Crown revenues was that which was carried to the public credit; that this sum was taken from that fund which was not to be carried to the public credit, but which was to be re-invested unprofitably, and which if invested unprofitably would leave no revenue at all, but if invested profitably would undoubtedly be a diminution of loss to the public. With this explanation he would leave it to the House.

Viscount *Dungannon* said, that from the explanation he had heard he should be sorry to see the day when the House would refuse any sum of money for such an object as that proposed. He should be sorry to see the day when anything connected with the improvement of a great national monument, such as Windsor Castle, should be made a matter of cavil at the money, come from whatever quarter it might. He trusted that the vote would meet with no opposition.

Mr. *Wakley* moved that the sum be reduced to 50,000*l.* He considered a vote of 70,000*l.* for the mere erection of stables a species of extravagance which the finances of the country did not warrant.

This amendment not being seconded, the report was received, and a Bill ordered to be brought in. Bill brought in and read a first time.

THE CHARTISTS. — ARMING THE PEOPLE.] Viscount *Dungannon* moved for " a return of any communications received by her Majesty's Secretary of State for the Home Department from the various local authorities in England and Wales relative to the assembling together and arming of certain persons denominating themselves Chartists." The noble Lord said, the subject was one of great importance, and had excited much alarm in the country. He, therefore, hoped that it would not be thought unreasonable that the papers to which he had referred should be moved for.

Lord *J. Russell* said, it must be obvious to the House that it would be impossible for him to comply with this request, as the papers moved for were confidential communications with the authorities in the country.

Colonel *Sibthorp* supported the motion and said, that from the unwillingness of the noble Lord to grant the papers, it might well be supposed that there was something behind the curtain. If the noble Lord would not accede to the motion, he ought at least to make a statement to the House on the subject to which it referred.

Mr. *Wakley* hoped, that the noble Lord would make a statement to the House on the subject of so many persons arming themselves in different parts of the country. At the same time, however, he agreed with the noble Lord that it was impossible for him, consistently with his public duty, to lay before the House the papers which were called for, and which must be regarded as confidential communications received by the home authorities. The accounts which had been given of the arming of the people were, he had no doubt, grossly exaggerated, for he could not believe that any persons could be so misled as to arm against the public peace, but he certainly thought the noble Lord should state to the House the true accounts he had received on the subject.

Lord *J. Russell* said, with regard to the statements of which both the hon. and gallant Member opposite and the hon. Member for Finsbury had spoken, he had none to make to the House, except that there certainly had been some attempts made by very frenzied and reckless persons in particular parts of the country during the Whitsun week. He had, however, only to day, seen the commander of the northern district, and he was glad to hear that Gentleman say that he was better satisfied with the condition of that district than he had been some time before.

Viscount *Dungannon* said, that it was his wish to obtain information that might be satisfactory both to the House and the country, and he had hoped to have heard from the noble Lord something more definite than the statement he had just made. He certainly was glad to find that the present aspect of the country was not so alarming as had been apprehended; but at the same time he knew this, that in the immediate neighbourhood of some part of his property there did exist very considerable alarm not very long since, and that had it not been for the Yeomanry corps, who were then on duty, very serious results might have occurred. He would not, however, after what he had heard, press his motion.

Mr. *Finch* believed, that the accounts of the arming of the people had been greatly exaggerated.

Motion withdrawn.

USURY LAWS — PARTIAL REPEAL.] The *Chancellor of the Exchequer* rose, pursuant to his notice, for leave to bring in a bill to make perpetual the Act of 1 Victoria, cap. 80, to exempt certain bills of exchange and promissory notes from the operation of the Usury-laws. The right hon. Gentleman said, this was a subject of the greatest importance to the commercial world. By the Act, as it at present stood, all bills not exceeding three months' date were exempted from the operation of the Usury-laws. Now, it would be in the recollection of hon. Members, that an attempt had been made about two years ago to extend that exemption to bills of a longer date; and a bill to that effect had passed through this House, but had been lost in another place. During the late commercial difficulties of the country, had it not been for the small relaxation of the Usury-laws to which he had alluded, those difficulties would have been greatly increased. On this account, therefore, he now proposed to extend the exemption from the Usury-laws to bills of twelve months' date, and also to re-affirm the original proposition of making the Act perpetual. Although he asked only for this limited remission, yet, had he consulted his own feelings, he would have given the fullest benefit he could to the commercial world by a total repeal of those laws, for he thought there ought to be as free a trade in money as in any other article.

Mr. *Pryme* expressed his regret that his right hon. Friend, the Chancellor of the Exchequer, did not propose to bring in a bill for the total repeal of the Usury-laws. He was sure it would give great satisfaction to the commercial world.

Mr. *Warburton* fully concurred in the principle of the right hon. Gentleman's motion. It was, he had no doubt, the general feeling of the commercial world, that the whole of the Usury-laws should be done away with. If such a measure had been in operation during the late commercial crisis, many houses which had sunk and been ruined under that pressure, would have been saved, and be now in a sound and flourishing condition.

The *Chancellor of the Exchequer* said, that he would, most willingly, introduce a measure for the total abolition of the Usury-laws, but he was afraid that in doing so he should be risking the good which he expected from a partial abolition, and he would rather make sure of that than risk the whole.—Leave given.

Bill brought in and read a first time.

HOUSE OF LORDS,

Friday, June 7, 1839.

Minutes.] Petitions Presented: — By Earl Grey, and Lord Redesdale, from two places, for a Uniform Penny Postage.—By Viscount Lorton, from East Kerry, against the Repeal of the Corn Laws.—By the Earl of Roden, from the Synod of Angus, against any further Grant to Maynooth College, and against any protection to the Church of Rome.—By Lord Redesdale, from Greenock, for Church Extension in Canada.

Spanish Legion.] The Marquess of *Londonderry* said, that with regard to the notice of motion which he had given, it was not his wish to harass or press the noble Viscount at the present time, but he wished to know what effectual steps had been taken to liquidate the claims of those unfortunate officers who had been induced to enter into the service of the Queen of Spain by her British Majesty's Ministers. They had been deceived and duped, and he could not help thinking that her Majesty's Ministers ought to insist upon some payment being made to them. They had been earnestly solicited by the Spanish Ambassador here to enlist in the service of the Queen of Spain, and he did hope that the Government would insist upon having their claims justly settled. He could assure their Lordships, that he was very sorry to trouble them upon the subject at that time; but in order to show them that he was not a volunteer, and that the subject had been pressed upon him, he begged to read to their Lordships a letter which he had received from a large meeting of officers who had claims on the Spanish Government, which had been held in Dublin :—

"My Lord,—At a late meeting in this city of several of the officers who belonged to the late Spanish Legion, and to whom large sums are due for arrears of pay by the Spanish Government, I am directed to request your Lordship, who has, upon so very many previous occasions, shown the interest you take in those that have belonged to the Legion, will, in your place in the House of Lords, upon the first convenient opportunity, ask of some Member of the Government, whether any effectual measures are in progress for payment of the Legion. There has been a commission sitting in London to investigate the claims of men and officers during the last year, and no one officer or man now in this country knows anything about its proceedings. You, my Lord, will be the means of rousing the public to insist that some pledge will be given by the Government that justice must be done by the Spanish nation to a number of men that went out to Spain under their auspices, and the minute of the King's Honourable Privy Council. For your uniform kindness and attention to the Legion and their interests, I am directed to return you their grateful acknowledgments, and am, for myself, with profound respect, your Lordship's very obedient servant,

"John Jenkins."

"Summer-hill, Dublin, May 20, 1839."

One of the officers of the Legion had also placed in his hands a very curious document which had been given by the commission to some of the claimants. It might well be called General Alava's bank note. It presented an imposing appearance, it was headed, "Office of the Royal Spanish Commission," and proceeded as follows :—

"By virtue of authority vested in us by her Catholic Majesty, we the undersigned commissioners for adjusting the claims of the late British Auxiliary Legion of Spain, do hereby declare that the sum of nine pounds four shillings is due to Henry Guyer from the Spanish Government. This document is transferable by indorsement at the will of the party interested."

It was signed by M. Ximenes, the Spanish commissioner, and Colonel Wetherell, and contained the words, "Confirmed, Miguel Alava, her Catholic Majesty's minister." What was the use of such a document? Was there any place or time stated when the money was to be paid? It bore no interest; it was mere waste paper; and to show the state of necessity to which these unfortunate men had been driven, he need only mention the fact that, for these certificates, containing the acknowledgment of the debt due to them, they were actually taking 1*s*. 6*d*. and 2*s*. in the pound. This bank-note of General Alava was a mere delusion; it was no such liquidation of the claims as he had understood to be in progress. If the Spanish Government were to be changed, he should very much like to know whether General Alava himself, would become responsible for this document? There could be no further excuse for delaying the settlement of these claims; the accounts, as he understood, had already been audited, and a sum of 260,000*l*. was admitted to be due from the Spanish Government, but not a shilling could be obtained. Under these circumstances, he ventured to say, that if the noble Viscount could not bring the Spanish Government to do justice to these men, it was a discreditable position for this country to be placed in. General Evans and General Alava were both at the present moment in this country, and this, therefore, appeared to him to be a propitious time for the interference of her Majesty's Government; and the noble Viscount could hardly tell him that he had exerted all his influence in behalf of these claimants. The noble Viscount had, unfortunately, now for a long time held his present office, and lately he had been incapable of doing much good, either for our foreign or domestic relations; but for the Minister of a great nation like this, to say, that in a case of mere justice affecting his own countrymen, he could not do anything, was so extraordinary a statement, that he scarcely believed it could be made. He stood up as an officer, on behalf of these poor men, when he had the honour of serving under the illustrious Commander behind him; and he must say, that, unless the noble Viscount would exert himself to procure some compensation for these unfortunate men, it would be holding out very little encouragement to that military prowess which British soldiers had hitherto exhibited in defence of their country. The noble Marquess concluded by moving for a return of all the claims of the officers and men of the Spanish Legion which have been presented to the Spanish Commission now assembled; also an account of those which have been liquidated, and in what manner; and an account of those which remain unexamined and not adjusted.

Viscount *Melbourne* had given the noble Marquess, on a former occasion, all the information in his power; and he regretted that it was not satisfactory. The Members of the Commission to which the noble Marquess alluded, were appointed, one by the Spanish Government, and the other by the Committee of officers. It had no connection with the Government, nor was it under the control of any department of the State, and therefore it would be impossible to make an order upon them for a copy of their accounts, or of the measures they had taken to ratify these claims. In point of form, the noble Marquess could not make any such motion to the House. At the same time, he thought he should be able to procure the information the noble Marquess required, and he should take the earliest opportunity of informing the noble Marquess of the result.

POOR-LAWS.] Earl *Stanhope* presented a petition from the parish of St. George the Martyr, Southwark, of which he had given notice on the previous evening, and which he read at length. The prayer of the petition was,

"To the Right Honourable the Lords Spiritual and Temporal in Parliament Assembled.

"The humble petition of the Guardians of the Poor of the parish of St. George the Martyr, in the borough of Southwark, in the county of Surrey,

"Sheweth—That your petitioners are extremely anxious to represent and complain to your Lordships that the Poor-law commissioners, in their several reports made to the Secretary of State, have misrepresented facts, and made statements in reference to the parish of St. George, which are totally incorrect and untrue.

"That your petitioners consider it to be highly important that such misstatements should be contradicted without delay, because they are calculated to mislead your Lordships and the public at large as to the injurious or beneficial effects of the Poor-law Amendment Act.

"That whereas the Poor-law commissioners have stated in the pages of their fourth report, that a saving had been effected in the expenditure of the parish of St. George, of 47 per cent., as compared with the average expenditure of the three years immediately preceding the introduction of the Poor-law Amendment Act, that such statement has been proved to be untrue by Mr. John Day, one of the guardians, in his analysis of these accounts.

"That in the amended statement made by

the Poor-law commissioners to Lord John Russell, they have admitted themselves to be wrong, and that their published report laid before your Lordships is not correct.

"That the difference between the expenditure as stated in the Poor-law Commissioners' report, and their corrected statement to Lord John Russell amounts, on the average of the three years referred to, to no less a sum than between 6,000*l.* and 7,000*l.*

"That your petitioners also have to assure your Lordships, that the amended statement referred to, made by the Poor-law Commissioners to the Secretary of State, is, like the report itself, incorrect and untrue.

"The statement of the Poor-law Commissioners being to the effect, that although they find themselves wrong in calling the saving 47 per cent., that there is yet a saving of 40 per cent., while the state of the parish and the books themselves show the contrary to be the fact; and that, so far from any saving being effected, the amount of the poor-rate levied in 1835, previous to the introduction of the poor-law was 3*s.* 8*d.* in the pound; whereas, the amount of rate in 1838 was, with the increased assessment, equal to 4*s.* in the pound, or an increase in the burden of the rate-payers to about 1,600*l.* in the year 1838, as compared with 1835, previous to the introduction of the new law.

"That your petitioners have also further to complain to your Lordships, that important serious misrepresentations have also been made in reference to their parish in the third, as well as in the second, report of the Poor-law commissioners.

"That in their report certain evidence is stated to have been given by some of the officers of their parish, which was found, upon inquiry, to be untrue, and that such evidence as the Poor-law commissioners published and put forth in their reports was not given by those officers, and was therefore untrue.

"That your petitioners, in their experience of the administration of the relief under the new law, have found its working, in proportion as it has been carried out, to be injurious both to the rate-payers and to the poor, and therefore cannot but regret that an impartial examination has not been taken from those whose experience has enabled them to see its defects, as well as those who from private prejudice or interested motives were partial to its operation.

"Your petitioners, therefore, humbly pray, that your Lordships will in future be pleased to place no reliance or dependence whatever upon the reports or statements of the Poor-law commissioners, now proved to be incorrect and false; and your petitioners also further pray, that the Poor-law Amendment Act may be repealed or effectually altered, because it is unjust in principle and oppressive in practice.

"And your petitioners will ever pray, &c.

"Signed on behalf of the board,

"Charles Anderson, Chairman.

"Thomas Martin, Vice-Chairman.

"J. Fitch, Clerk to the Guardians."

Viscount *Melbourne* was entirely ignorant of the facts of the petition, and so, he believed, were the Poor-law commissioners. He would suggest, therefore, that they be furnished with a copy of the petition in the first instance.

Earl *Stanhope:* It may be printed.

Lord *Brougham:* When the noble Lord consents to have (say 500) petitions printed, that furnishes 500 reasons for letting the commissioners have one. It should be recollected, that these men are put on their trial on unknown charges; and I therefore hope the noble Lord will not refuse this request, particularly as he has behaved so fairly, generally speaking. [Earl *Stanhope:* Always.] I shall say "always," if the noble Earl do not make this glaring exception to his rule.

Earl *Stanhope:* I have no objection that it should be printed for the public; but I will not show any special favour to those dictators.—Petition laid on the table.

Court of Chancery.] Lord *Lyndhurst:* My Lords, I rise to call your Lordships' attention to the subject of the Court of Chancery, and to the present state of business in that court. I have, my Lords, undertaken this task with very great reluctance, but I have been urged by representations from gentlemen at the bar, practising in the Court of Chancery, from respectable solicitors in that court, from suitors, some of whom have been victims to the proceedings in that court; and I consider the subject to be of such deep interest to the community at large, that I feel it to be my duty to comply with the request thus pressed upon me, and to bring forward this question in the hope of devising some remedy for the evils complained of. I have, my Lords, been the more anxious to do so, in consequence of the speech of her Majesty at the commencement of the session. Her Majesty in that gracious speech directed our attention—our anxious attention, for such were the words—to measures that were about to be submitted to us, having for their object the more certain and speedy administration of justice. Now, my Lords, there is no part of our judicial system more requiring amendment than the practice of the Court of Chancery; not merely from the position it is now placed in, but also from the immense extent of the interests involved in the judicial decisions and proceedings of that court. But months have elapsed since Parliament assembled, and not one single word as yet been said in this House with respect to the Court of Chancery; and no bill, as I have been informed, is now pending in the other House of Parliament on this subject. Therefore, my Lords, I feel it to be more strongly my duty to call to the recollection of her Majesty's Ministers, that which perhaps they have already forgotten, namely, the gracious communication made by her Majesty at the commencement of the session. But, my Lords, this point does not stand entirely by itself; for, adverting to that speech for the purpose which I have mentioned, I find other great and important and almost overwhelming considerations pressed upon our serious attention. Notwithstanding this, I repeat it again, we have here assembled, night after night, for upwards of four months, and not a single bill, on any subject of the slightest importance, has originated with Ministers in this House, or has come up to us from the other House of Parliament. I do not mean to say, my Lords, that we are without a Government, for I see several noble Lords opposite who hold high and responsible situations under the Crown. But it does not appear to me that there is any substantial difference between the position of a country having no Government and that of a country having a Government, which, from negligence, or want of vigour, or want of power, is unable to bring forward, and to carry through Parliament, those measures which the great interests of the country require. My Lords, passing by this consideration, I beg to call your Lordships' attention to the limited course which it is my intention to pursue on this occasion. I do not mean, my Lords, to enter generally and at large into the considerations of the whole subject of the courts of equity. That would involve me in a discussion too wide and too entangled for the object which I have in view. My object is, to point out what I consider to be a crying grievance of the Court of Chancery, and to endeavour to apply to that grievance an adequate remedy. I hope, therefore, that I shall not be charged with taking a narrow and circumscribed view of this great subject, when I state that my object is to apply a practical remedy to what I consider to be an enormous practical evil. Having made these few preliminary observations, your Lordships will allow me to state what is the actual condition of the Court of Chancery with respect to cases at this time. There are now, my Lords, upwards of 850 cases standing for hearing in the different branches of the Court of Chancery. There are 550 between the noble and learned Lord on the Woolsack and the Vice-chancellor; and there are 300 before the Master of the Rolls. I am informed by persons of eminence in that Court, that many of these causes have been standing for a period of three years. I am told that in the court over which the noble and learned Lord on the Woolsack so ably presides, and in the Vice-chancellor's Court, the average period after a cause is set down and is ready for hearing, before it is heard for the first time is two years and a half. Yes; the long period of two years and a half elapses before that step is taken. I am further informed, that with reference to cases before the Master of the Rolls, a period of a year and a half elapses prior to the first hearing. Therefore, taking these courts together, I may be considered as not making an outrageous statement when I say, that on an average, two years elapse before a case comes to be heard. Now, my Lords, this is the grievance of which I complain. It is a grievance of great magnitude; and, in order that your Lordships may understand the nature and effect of that grievance, allow me again to explain, what has frequently been explained in this House—namely, what is the meaning and nature of a hearing in the Court of Chancery. A hearing does not finally dispose of a case. In the greater number of cases a decree is pronounced, by which certain other proceedings are directed to be taken. Thus, for instance, an issue may be sent to try a question of fact in a court of law, or an inquiry on certain points may be sent before the Master. The cause then is in the Master's office a year, perhaps more. The cause is then brought back again into the court upon the Master's report, and if both parties are satisfied, which is the most favourable supposition that can be made, then the cause is again to be set down and heard on further directions, and then the same interval takes place as before. If it happens, which is the more common case, that the parties do not concur in the Master's report, then exceptions to it are taken. Those exceptions are set down to be argued. A long time elapses before the argument and hearing come on, and a still longer before the cause is decided. I think that the statement which I have already made is sufficient to satisfy your Lordships of this, that if the case involves any very considerable interest, and is at all of a complicated description, several years must elapse between the commencement of a cause, the issuing of a subpœna, and the final decision of it. The mischief is the delay which takes place between the first hearing of the cause and the time when the Court is able to have it called on for decision. Allow me to point out the obvious inconveniences which arise from this course. Your Lordships are aware, in the first place, that, in a cause in the Court of Chancery, all the parties who are interested in the matter, must be on the record, either as plaintiffs or defendants. In every important cause, there are many parties in this situation. What is the consequence? Parties on the record die. One life falls in, and then the cause abates. It must be revived by a new bill. It often happens, that some three or four of these abatements take place in the course of a suit. Your Lordships will see at once the evil this produces in a suit. Another evil, which is felt by all the courts in equity, arises from the term fees. There are now 850 causes standing for hearing in the Court of Chancery. Suppose that each cause takes two years before it is heard, the mere term fees will amount to 7,000*l.* This, however, is not the only evil; for, not only are the term fees to be paid to the officers of the court, but also to the solicitors of the parties; so that, in proportion to the prolongation of the period before the cause is heard, is the amount of term fees paid to the officers of the court, and to the solicitors. Then the situation of parties changes, and therefore it becomes necessary to file a supplemental bill, in order to shape the case to meet the new state of things, previous to the hearing. That, however, which is the greatest grievance of all, not only upon the public, but also upon the Court of Chancery, is, that the lapse of time renders motions necessary. These are supported by affidavits on one side, and opposed by affidavits on the other; and in them are involved questions of the most entangled description. All these motions arise out of delay. Accordingly, in the time of Lord Chancellor Hardwicke, he said, " I will not hear your motion, but the cause. The cause must be in progress, so that I can dispose both of the cause and of the motion at once." But the state of the business in the Court of Chancery, in the present day, will not allow of such a course; for parties would evidently invent motions, for the purpose of advancing their cause, to the prejudice of other suitors. I have endeavoured, my Lords, to state these evils with as much moderation as possible. I appeal, for confirmation of what I have said to my noble and learned Friend on the Woolsack, to my noble and learned Friend opposite, (Lord Brougham), and to my noble and learned Friend, the Master of the Rolls. I ask them, one and all, whether, in the statement which I have just made, grievous as it may appear to be, to many of your Lordships, there is any exaggeration. I rather think, that I have understated the case, because I have not entered into details upon it. The fact is, that the evil is great—is grievous—is intolerable. I could state cases of this description over and over again; but I will be content with stating one. A party is entitled to an annuity, charged upon property. That property is encumbered with debts. The trustee is unwilling to discharge his duty, and appeals to the Court of Chancery for protection. Years elapse; and, in the mean time, the family of the party entitled to the annuity cannot draw a farthing from it. They are, in consequence, either involved in want and misery, or are induced to raise money upon usurious interest—a practice ultimately leading to their ruin and destruction. It is the duty of your Lordships to provide, not only for the effectual, but also for the speedy, administration of justice. One of the earliest, and one of the most revered maxims of our laws, is that justice must not be sold—that justice must not be denied—that justice must not be delayed. The delay of justice, as my noble and learned Friend opposite, on one occasion, pointedly remarked, is equivalent to the denial of justice; and I believe, that there are cases in which it would be much better for a party to have a decision at once against him than to be hung up for years for a decision of his claims, even though at the end the decision should be favourable. I beg, my Lords, that in the observations I have made, and am about to make, that I may not be understood as casting any reflections on the noble and learned personages now presiding in the Courts of Equity. I am sure, that the evil is not to be ascribed to them. My noble and learned Friend on the Woolsack, and my noble and learned Friend the Master of the Rolls, I know perform their duties meritoriously and successfully. I make the same observation with regard to their learned coadjutor, the Vice-Chancellor, who devotes all his time, all his learning, and all his energies, to the business of his court. I do not ascribe the evils now prevailing in the different Courts of Equity to them. I believe, that they work most successfully in the administration of justice. I believe, that they employ more time, and exercise more energy in performing their duty than any country ought to require of its judges. I am one of those persons who think, that a judge should not occupy his mind wholly with the administration of justice. There is not any pursuit which does not tend, if a man devotes himself exclusively to it, to narrow the intellect and contract the understanding. A judge ought to look abroad, and to cultivate literature and science, for the lights they so acquire reflect back on the bench, and afford force and vigor to the judgment there pronounced. When I say, that this state of things is not to be ascribed to any want of learning or energy on the part of the learned judges now presiding in the Courts of Chancery, I will endeavour to fortify what I have just stated by a reference to facts. I will not go back for them for more than twenty years. I will read an extract from a return made to an order of the House of Commons, and your Lordships will see from it what has been the state of things for the last twenty years. I find, that in the year 1819, at the close of Michaelmas Term, 950 causes were set down for hearing. I find, that in the year 1824 the number was 906. I find, that in the year 1829 it was 700. I find, that in the year 1834, at the period when my noble and learned Friend opposite retired from the Woolsack—a period to which I shall presently advert more particularly—it was only 491. I find, that in the year 1835 it was 630, then 746, then 773, and now it amounts, as I have already told your Lordships, to 850. You will find, my Lords, from these returns, that on an average of twenty years the Court of Chancery has always laboured under the same aggravation of business so far as regarded causes standing for hearing. I have adverted, my Lords, to the period of 1834 as the period when the smallest number of causes was standing for hearing. I ascribe it in part to the able superintendence of my noble and learned Friend opposite (Lord Brougham), and to the extraordinary powers of despatching business enjoyed by Sir John Leach, who heard more causes in a given time than any judge who ever preceded, and I believe than any judge who is ever likely to succeed him. I ascribe it also to another circumstance of the greatest importance—I mean that in the year 1832, just two years before the period I am speaking of, the bankruptcy business, which formed no inconsiderable portion of the business of the Court of Chancery, was transferred to another tribunal. Yet, notwithstanding this, such has been the increase of business in that court, that the arrears are again augmenting, and there still remain 850 causes for hearing. I know, my Lords, that it has been said—and I am most anxious to vindicate the Court of Chancery on this point—that these evils did not exist in the time of Lord Hardwicke. I beg leave to say that that is an entire mistake. There are various publications of that period which describe the Court of Chancery of that day as deserving of the same complaints which are made against it at present. It is therein stated, that great delay prevailed in its process, and that there was the same want of decisions, and in a word the same evils now complained of. One of these publications, entitled *Animadversions on the Court of Chancery*, appeared in 1756. But the answer usually given to this is, that the Court of Chancery was then in a different state from that in which it is now. It is true that there is now an additional judge in that court. It is true that the court of the Master of the Rolls has been new modelled, and that the business in bankruptcy has been removed from the Court of Chancery. This is well worthy of consideration on one side; but then again on the other, the business of the court has greatly increased. According to a statement made from the woolsack, by my noble and learned Friend, about three years ago, it appears that the number of cases now set down for hearing exceeds by three times the amount of those set down for hearing in the time of Lord Chancellor Hardwicke. It appears that petitions, a very important part of the business of the Court of Chancery, now exceed the number of petitions in Lord Hardwicke's time by seven to one; and that the motions, which now form so heavy a part of the business of the court, exceed the motions of Lord Hardwicke's time in the very same proportion. I think that this statement, which I have taken pains to verify by looking at the original documents, forms a complete answer to the complaints now made against that court, and to the averment that a Lord Chancellor, having the learning, vigour, and energy of Lord Hardwicke, would soon get rid of the accumulation of arrears now pressing so heavily upon it. That accumulation of arrears, my Lords, has existed as long as the Court of Chancery itself. We are told that when Wolsey gave up the great seal there was an accumulation of arrears in the court over which he presided. I know from the life of his distinguished successor, Sir T. More, that he devoted himself day and night, at the commencement of his judicial career, to get rid of that accumulation. We know, by reference to the celebrated speech of Lord Bacon, in the reign of James 1st., that the same evil existed then, and we know also that he pointed out a way in which he conceived that it might be remedied. We have also a right to draw the same inference from a statement of Bishop Williams, who said that whilst he presided in the Court of Chancery he had decided more causes in one year than had been decided in seven by any of his predecessors. I say nothing as to the satisfaction which his decisions afforded either to the public, or to the parties affected by them. In the time of Charles 1st we find the same complaints respecting the delays and arrears in the Court of Chancery brought forward in the House of Commons. We find that Lord Coke declared that there was more business in the Court of Chancery than the Lord Chancellor or the Master of the Rolls, with all their industry, could possibly dispose of. We find likewise that a bill was then brought in, and read a first time, for the purpose of appointing two additional judges to the Court of Chancery to get rid of that arrear of business. What was the history of that bill? It was abandoned, but for what cause is not clearly ascertained. In the reign of Charles 2nd we find by reference to Roger North's life of his brother, Lord Keeper North, that the same complaints then existed; indeed, he attributes the death of the Lord Keeper to the vexation which he felt from being unable to keep down the arrears of his court. The same complaints continued to be repeated in the time of Lord Somers, of Lord Cowper, and of Lord Hardwicke. There are persons now present, my Lords, who can carry back their recollection fifty or sixty years, and who can inform your Lordships that the same complaints have continued from their earliest memory down to the present hour. Why have I stated this, my Lords? To show that there is nothing personal in my motion—to satisfy you that there is no hope by any change of the judge to get rid of the evils of the system. Your Lordships are, therefore, bound to apply a remedy to them forthwith. Why it has not been sooner applied it is not for me to say. A trial to apply a remedy was made, as I have already stated, in the time of Charles 1st, but was abandoned subsequently, for some reason or other which has not been distinctly transmitted to us. But is that any reason why we should give up for ever the hope of a remedy? Here are a number of causes too great for the number of judges to hear and decide on. Here is a mass of business beyond their physical strength and energy to perform. No three judges could do it, and it goes on regularly increasing. What would you do, my Lords, in any similar affair? Take, for instance, the case of manual labour, where a quantity of work is to be executed in a given time. If you had not hands sufficient to execute it, you would put on more hands; you would call for greater power, until you had got power adequate to the emergency. Now, I maintain that the judges should be above their work, not oppressed by it. No man can decide rightly who is always teazed to decide speedily. A judge ought to have time for deliberation, in order to satisfy the public and the parties on whose interests he is called to decide. When I had the honour of holding the great seal I acted on this principle. I found it impossible to keep down the arrears in the Court of Chancery. The first thing I did was to see whether I could remodel the Court of the Master of the Rolls. At that time the Master of the Rolls sate four times-a-week, but only three hours each evening, or about twelve hours in the week.

In substance, he did not sit twelve hours in the week; for, the Court of Chancery broke up earlier than it would have otherwise done, in order to let the counsel practising in it, attend before the Master of the Rolls at six in the evening. I applied to my hon. and learned Friend, the late Sir John Leach, on the subject; and I asked him, if he would give up his evening sittings, and sit in the morning, as the other judges were accustomed to sit. I owe it to the memory of that learned Judge, to say, that he agreed promptly, and at once, to my proposition. The effects of that change were soon discovered. The arrear was kept down; but still the measure was not, I contend, adequate to the occasion. I thought, that it was necessary that something further should be done. I considered, that permanent improvement was hopeless, without a legislative measure. I, therefore, brought in a bill on the subject, which I renewed in a subsequent session, and which, fortunately, received the unanimous approbation of your Lordships. It was supported by those great lawyers, Lord Tenterden and Lord Eldon, and, I believe, by Lord Redesdale also. It went down to the other House of Parliament. I know not from what cause—whether it was from party, or from some other cause—but my worthy Friend opposite took no part in it. But, I believe, from some motive of party, it was there violently opposed. An hon. and learned Gentleman, a former colleague of mine, Sir C. Wetherell, distinguished himself by the strenuous opposition which he directed against it. The terms which he applied to the bill itself and to the prospective judges under it, were of the most extraordinary description. By-the-by, I recollect now, that my noble and learned Friend opposite (Lord Brougham) did take a part in that opposition. He said, that it would make the office of the Lord Chancellor a sinecure—that the Lord Chancellor would have nothing to do but to take the fees of his office, and that he would soon devolve all its duties upon his deputy. Whatever was the motive, the opposition to my bill was carried on for two days with great vigour. A vote was, however, come to at last, in its favour. In a few days afterwards, the demise of the Crown took place, and the bill was, in consequence, abandoned for the session. I merely state this, to show that my views on this subject have always been the same, and that I have long thought, that there were more causes to be decided in the Court of Chancery than the Judges of that court were physically able to decide. Then, my Lords, if this be the case, you ought to have, and you must have, a greater number of Judges. It is true, that it may be a great inconvenience to establish a new court. It is true, that it may be an inconvenience to the bar, and many persons connected with it. But let us look, my Lords, at the other side of the question. There may be an inconvenience, such as I have stated; but, that inconvenience bears no proportion to the evil which exists now, when causes of the deepest importance to the interests of families remain unheard and undecided, from the want of sufficient physical force in your Judges. One objection to the bill which I proposed was continually brought forward in the other House of Parliament, and to it I beg leave, for a moment, to advert, because it is material. At that time, the business of bankruptcy was connected with the Court of Chancery; it occupied a considerable part of the time both of the Chancellor and Vice-Chancellor, and a gentleman now no more, who took the Court of Chancery under his protection for a great many years, always said—"Why not detach the business of bankruptcy from the Court of Chancery? That will give sufficient relief; it is unnecessary to appoint an additional judge; the object will be attained by relieving the Court of its bankruptcy jurisdiction." I objected to that course—first, because I thought the relief would be altogether insufficient; and next, I objected to it because I considered, that the appellate jurisdiction in cases of bankruptcy was better vested in the judges of the Court of Chancery than in any other tribunal. The experiment, however, was tried by my noble and learned Friend opposite (Lord Brougham) very soon after he accepted the Great Seal. I say not whether the appellate tribunal that has been substituted in lieu of the Court of Chancery be or be not an improvement, because it has nothing to do with the present question; but I advert to the separation of bankruptcy from the Court of Chancery for this purpose—to show that I was right in the opinion I then gave, that the relief thus afforded would not be sufficient. The separation undoubtedly relieved the Lord Chancellor and the Vice-Chancellor to a considerable extent; but the increase of business was more than commensurate with that relief: and the change made no alteration substantially in the amount of the arrears. Three years ago my noble and learned Friend on the Woolsack brought forward his measure for the reformation of the Court of Chancery. I then again suggested, for the last time, what I have always considered the most simple and appropriate remedy; but I was told, that my measure was too narrow; that it was mean and scanty in its object; that my noble and learned Friend had a much more extensive scheme to new-model the Court of Chancery and the whole appellate jurisdiction; his plan, however, did not meet with your Lordships' approbation, nor even of my noble and learned Friend's opposite. My noble and learned Friend on the Woolsack would not accept my proposal, and nothing from that time to this has been done upon the subject. I will tell your Lordships what has always been my course upon this question. The noble Viscount opposite (Melbourne) introduced the other evening the phrase "progressive reform," which most appropriately described the course which I have always pursued with reference to the Court of Chancery. My object was to carry into effect all the recommendations of the commissioners for inquiry into the administration of the Court, which were directed to simplify the progress of the cause up to the time of hearing; but I said, and most naturally, what is the advantage of expediting a cause up to the time of hearing, unless you afford further facilities for hearing? The cause would stop, though at another stage. Accordingly the next step I took was to suggest further means for the hearing of causes. There I was defeated. My next object, as I over and over again stated, would be, if that immediate object had been accomplished, to direct my attention to the appellate jurisdiction of the Court. I considered it premature to endeavour to reform the appellate jurisdiction until I had first taken the means for reforming the great and grievous defect—the deficiency of the power for hearing causes. When it was suggested that a new judge should be appointed for the purpose of facilitating the hearing of causes, it has been met by this observation:—"What good would you do by it? You will only increase the number of appeals, and the Court of Chancery is already blocked up with its appeals." I never considered there was the least weight in that objection, for this reason:—Suppose there are 800 causes to be heard, and a certain proportion, fifty, the subjects of appeals; by hearing them all, 750 are disposed of, and the other fifty remain for appeal; but it is just as well for them to remain in that stage upon appeal, as for original hearing; because they still would have been left for hearing. There is no validity in the objection, even if it applied at all; but it does not apply; for the appeals are, to a very great extent, disposed of. To my noble and learned Friend opposite (Lord Brougham) we are mainly and entirely indebted for this. When he took the great seal, there was a great arrear of appeals; and when he left, there was only twenty-six appeals remaining, which I understand are now reduced to sixteen or seventeen. My noble and learned Friend disposed of 140 appeals in one year. I know he sat up day and night, and worked most laboriously, for the purpose of accomplishing that object; and that object he did accomplish. There is, at this moment, no arrear with respect to appeals; and, therefore, the argument to which I refer does not now apply. But it is said, that the Chancellor can now devote his time to original causes. I believe that last year my noble and learned Friend on the Woolsack heard between sixty and seventy causes, but I don't believe that he has lately heard many original causes. I am told that appeals are on the increase, and I know, from the state of business in this House, that it is impossible to give any effectual attendance on original causes. There are 100 appeals undecided; forty, or nearly forty, have been heard, and are waiting for judgment; and sixty remain to be heard, with only about six weeks of the Session before us. I have now, my Lords, pointed out the evil, and what appears to me the practical remedy. What makes the want of the application of this remedy the more extraordinary is what I am now about to mention—the state of the Court of Exchequer. The Exchequer is a court of equity as well as a court of law; they are separate and distinct from each other. The Court of Exchequer in equity has all the machinery of the Court of Chancery—it has all the offices, all the officers, everything necessary for the purpose of constituting a proper court; but there is no judge. You have a court without a judge, as far as equity is concerned. Let me not be mistaken. My noble and learned Friend, the Lord Chief Baron, when he can be spared from the common law business, sits in equity; Baron Alderson, too, when he can be spared, sits in equity, and both administer justice on the equity side, to the perfect satisfaction of the bar and the suitors. But this is done to the great inconvenience of the common law business of the Court, and in the next place not one-third of the time which a permanent judge could give in equity are they able to devote in consequence of their other duties. Not only so, it is productive also of this great inconvenience:—There is as much common law business in the Court of Exchequer as in the Queen's Bench; there is the same establishment of judges; how inconvenient, then, the judges of the Queen's Bench not being too numerous, to draw away one of the judges from the Exchequer for the purpose of administering justice in a court of equity? I have conversed with those learned persons, and they tell me that the inconvenience to the Court on the common law side is extremely great. It is extraordinary, that they should not have five judges devoted exclusively to common law, when the Common Pleas, so greatly inferior to the Exchequer, has five judges entirely occupied with the common law business of that Court. What then is the obvious remedy? To appoint a permanent judge on the equity side of the Exchequer. Leave the five common law judges to administer the common law of that court, and appoint an equity judge to preside over the equity side. Is not this an obvious remedy? Why not adopt it? What can be more plain, simple, and rational? What objection can possibly be urged against it? It is not the first time I have made this proposition. I have made it over and over again; but by some fatality, when the Court of Chancery is concerned, no two persons can concur in opinion, and nothing is done. But I am not wedded to this particular mode of getting rid of the evil. If my noble and learned Friend on the Woolsack, or my noble and learned Friends opposite (Lords Brougham and Langdale), think any other means better calculated to attain the object in view,—if they think it better to have another judge of the Court of Chancery, instead of having a complete equity judge in the Exchequer, I will accede to their proposition. I will do still more. I say, that such is the state of equity business, and such would be the increase of equity business if there was the power to carry it on, that there would not be too much force if there were both an equity judge in the Exchequer, and an additional judge in the Court of Chancery. This would be attended with the additional advantage, that it would enable one of those judges to act as permanent president of the Judicial Committee of the Privy Council. That court will never be a completely effective court, palatable to the bar and to the suitors, until you have a permanent judge presiding in it. My noble and learned Friend (Lord Brougham), whenever his important avocations admit, presides there with great advantage to the suitors and the public; but that is merely temporary; we are to look forward to the future; we shall not always have the assistance of my noble and learned Friend in that department: and I think, therefore, one of the most important and beneficial consequences of the measure I propose is, that it would give a permanent president to the Judicial Committee of the Privy Council. This is necessary above all things from a consideration to which I must for a moment allude. The consideration is this:—The Judicial Committee of the Privy Council is conversant not in equity alone, not in common law alone, but it has to administer Spanish law, two different kinds of French law, and Dutch law; it has to direct its attention to all these various departments, how important, then, is it, to have a permanent president, in order that he may feel it his duty to qualify himself to administer justice in such complicated matters with satisfaction to the suitors of the court. Another practical advantage of no inconsiderable importance, which would result from this, would be, that the bar of the learned judge would follow him from his equity court to the Privy Council. The bar would also become possessed of that information which was necessary to the administration of justice; there would thus be a permanent bar, and a permanent judge to administer justice in one of the most important tribunals of the country. I would appeal to the noble Marquess, the Lord President of the Council, who has had the opportunity of witnessing the proceedings in that court, and the nature of the business which comes before it, whether what I have stated is not correct, and whether benefits the most important would not result from the adoption of the measure which I have proposed. I have endeavoured, my Lords, to confine myself, according to what I stated at the outset, to one point. I have not gone into the various considerations that present themselves as connected with the Court of Chancery. They are complicated beyond measure. But here is one evil on which I place my finger — a grievance the most heavy that prevails in that court—namely, the arrears of causes set down for hearing. It is to that I apply my present remedy; and I trust I shall be successful in proportion to the simplicity and singleness of my view. If I had entangled it with other matter connected with the Court, your Lordships would have lost sight of my real and main object. It is because I am desirous of obtaining a practical remedy to a great practical evil, that I have confined myself to this view of the case. I know there are persons connected with the profession who say you should begin at the other end; that you should, in the first instance, consider the appellate jurisdiction and new model the whole system. I say, I will not embark in that course, different opinions exist with respect to it, and the best means of attaining the end proposed, and if we once engage in a controversy of that kind the object I have in view never will be attained. My noble and Learned Friend, on the Woolsack three years ago, brought forward his plan for a reform of the Court of Chancery. It was not approved of by my noble and learned Friend opposite (Lord Brougham). He also had a plan much more comprehensive and much more extensive than my noble and learned Friend on the Woolsack. My noble and learned Friend, the Master of the Rolls (Lord Langdale) has also a plan for the reformation of the appellate jurisdiction of the Court of Chancery. I say nothing as to the merits of these respective plans. I don't wish to interfere in this war of giants, I don't think myself safe within the wind of such commotion. I wish to take a more humble course. *Cautus minium* may be said of me, I admit the *timidusque procellæ;* it is because I fear the storm that I have not taken a more extended course; and now, having pointed out what I consider the proper remedy for the practical evil which I have exposed, I leave the case in the hands of her Majesty's Ministers. I shall be asked, "Do you mean to introduce a bill?" I answer distinctly no, I might succeed in carrying a bill through this House; but I fear the probability is, it would somehow or other share the fate of my former bill, in another place. I wish it should have a father that can better support and protect it in the warfare in which it must engage. I think my noble and learned Friend on the Woolsack, or some Member of the Government, if they agree in the general view I take, ought to bring in a bill upon this subject. If they do so, the measure shall receive my most cordial support, because, I own, I am anxious for the attainment of the great object I have in view, not merely as a member of a profession with which I have been long connected, but, above all, because I think it of the utmost importance to the interests of the suitors and of the community at large. My Lords, I beg leave, in conclusion, to move, as a matter of form, for certain returns, of which I gave notice on a former occasion.

Lord *Brougham* said, that in presenting himself thus early to take part in this most important discussion, he had to acknowledge, as he was always ready to do, the great ability of the statement of his noble and learned Friend who had just addressed their Lordships. As no man expressed himself more clearly, he believed he might say, few men thought so well on any subject to which his noble and learned Friend applied his vigorous understanding, and on a matter which had occupied his thoughts so long, on which his own experience was so large, and which now, for the third or fourth time, he had brought under the attention of the House, it might well be expected that vigour would not be applied in vain. He had but one objection to his statement, and that applied solely to the latter two or three sentences. He grieved, that his noble and learned Friend did not take the matter into his own hands. He was convinced, that a measure matured by him, digested under his own immediate inspection, with the lights he had, and the assistance out of doors he could command, would have the certainty of insuring the respectful consideration of Parliament, and every chance of its final sanction. He was not quite so sure of its fate if left to his noble and learned Friend on the Woolsack. It was true, undoubtedly, as his noble and learned Friend (Lord Lyndhurst) had stated, that the subject had been recommended generally in the Queen's Speech: but so had many other matters. For his own part, he was rather alarmed, that the subject had been mentioned in the speech from the Throne. If it had not been referred to at all, there would, perhaps, have been a better chance of something being done with respect to it. His comfort, however, was, that it had not been the subject of a royal message. If it had, he should not have been much surprised if some of his noble and learned Colleagues had proposed to put off his measure till the year of grace 1842. However, as it had not been messaged as well as speeched, the subject of Chancery reform had still some chance of being taken up within some reasonable time. It was impossible to exaggerate the importance of this question. Far from overstating, his noble and learned Friend had indeed understated the case. His noble and learned Friend had mentioned the different plans which had been before Parliament at various times; his own, the measure introduced by his noble and learned Friend on the woolsack, and the proposition of his noble and learned Friend the Master of the Rolls, which was never embodied, he believed, in a bill. Having been much blamed, he would take that opportunity of stating, that he had many reasons for not pressing on Parliament any larger measures of Chancery reform than he had propounded, and some of which had been carried into effect. One reason was this:—He had undertaken to attempt the reform of that court on a large scale, but he had a very great inclination of opinion, he would not say before trial, but as strong an inclination of opinion as speculatively and prospectively he could entertain, that part, and a very great part, of the delay in the Court of Chancery, was owing to their neglect, God knew he could not say, the incapacity, of those who administered it—but rather the multiplicity of their concerns, and a habit which some of them had got into of not deciding the causes when brought before them. He was now stating, after the death of one of the greatest, perhaps the greatest lawyer that ever lived, what he had said repeatedly during the life of Lord Eldon, and in the hearing of his celebrated brother, then a Member of the other House of Parliament—that he had all the great faculties of a most illustrious judge, the most profound learning any lawyer in this country ever possessed, the utmost possible subtlety with which a human mind could be armed, the greatest industry and perseverance with which it was possible for mortal man to be gifted; but that he had, not originally, but acquired, a very bad habit, which grew on him, of not attending, such was the real truth, to the arguments of counsel who were arguing before him—the prolixity of counsel securing the inattention of the judge—the inattention of the judge increasing by reaction the prolixity of the bar, till at last he decided cases at a great interval of time after hearing the arguments, not so much upon those arguments as upon his own judgment, formed by reading the whole papers in the cause. That, undoubtedly, was a great misfortune both to Lord Eldon and the profession; but it became latterly an inveterate habit, which he could not get the better of. His opinion therefore was, that a judge of infinitely less learning and capacity might get through more work by applying his mind more closely to the business of the court, and adopting a more judicious arrangement, by sitting a greater number of hours each day, by acting on a maxim that might be applied to time as well as money—take care of the minutes, and the hours will take care of themselves; by not coming into court when the clock struck 3, but regularly when it struck 10. He had stated this in the House of Commons, and it was on these grounds that he had assisted in throwing out his noble and learned Friend's bill. His noble and learned Friend was much mistaken if he thought he had not taken a share in throwing out the bill; he had taken an active part against it, because he thought it a needless measure, and he took to himself the principal share of the praise or blame to which its rejection might give rise. During the recess which ensued on the demise of the Crown, he was asked, whether he would renew his opposition in the event of the bill being brought forward again. He answered, that he certainly should, and the bill was in consequence withdrawn.

Lord *Lyndhurst* hardly remembered the circumstance, but he knew there was a majority of 41 in favour of the second reading.

Lord *Brougham:* Oh, that was no very

great majority; that was in the days of efficient majorities, and would be reckoned but small. When he (Lord Brougham) took the great seal, he was bound to act according to his own feelings of what was proper, and if he had proposed to create a new judge for the relief of his own court and his own ease, it would have been said at once, "Oh, you have totally changed your opinion; you were against the creation of a new judge formerly, when you were at the bar and had no interest in the matter, but now, when you are overwhelmed by the load of business, you confess that you were wrong, and that we were right; you fly for help to the quarter whence no help was to be sought, and hasten to increase the number of judges." It was quite clear that he could not do any such thing; but he had another reason, for his opinion remained unchanged, and further reflection and nearer acquaintance with the state of matters only confirmed his opinion. What, then, was his bounden duty? He apprehended no one could deny that it was to act on his own principles, and try all means, however feeble and however inferior to those of his predecessors his own energies might be, to grapple with the giant evil and keep down the arrears, and thus prevent the business from becoming entirely unmanageable. That was the principle on which he proceeded, and if he had failed, he would then have had recourse to the remedy of his noble and learned Friend, because he should then have become convinced that there were fatal objections against the system, not of a personal nature, and that there must be another judge. He agreed with his noble Friend, that they ought not to be deterred from adding another judge by any consideration of expense, for the expenses incurred, from the number of arrears, would much more than support another judge. The fees levied by the court, independently of the expenses of the solicitors employed by the parties, and the expenses of additional motions made in court, would more than defray the salary. It was not very pleasant to refer to his own experience while he presided in the court, and it would be intolerable if he were obliged to make invidious comparisons between himself and others; but, as it might facilitate their coming to a just conclusion on the question of the necessity of additional judges, he would shortly state what he had himself done. When he took the great seal there were 125 appeals in arrear. Original causes had not been heard by the Chancellor since 1814, when the Vice-Chancellor's Court was created. During the first year, in order to prevent a further arrear and satisfy the suitors, he heard the enormous number of 140 causes, besides a great number of motions. The result was, that the list was gone through; and at the end of the year only eight appeals were set down. When he asked if there were any of those which could be heard, the reply was, none whatever, and if he had forced any of them on, it might have had the effect of causing an appeal which would otherwise have been compromised by the parties. Thus, by a year's exertion, all the arrear was got rid of in the Chancellor's branch of the Court of Chancery, as well as all the arrear in the House of Lords. The number of appeals from his judgments in the Court of Chancery had been unprecedentedly small—only seven or eight out of the enormous number of causes he had heard, and of these, three only had been reversed. He had a right therefore, to say, that there had been no overhaste, that the business had been fully done; all this had been done in the old state of the powers of the Court of Chancery, and he had sat five or six weeks in bankruptcy that very year, there being then as much bankruptcy business as there had been under any of his predecessors. He mentioned these things, rather as bearing on the question before their Lordships, than for the purpose of controverting the grossly ridiculous assertions made out of doors by some Members of the profession; such as that his noble and learned Friend on the Woolsack was the first Chancellor since the institution of a court of equity who had heard original causes. This had been stated by a Member of Parliament and of the bar; yet the fact was, that Lord Eldon was the first Chancellor who did not hear original causes, the hearing of such causes having been discontinued only since 1814. Grosser, coarser, more stupid ignorance, than these learned persons had been guilty of he could not conceive; and yet he was sorry to say, that the statement had been made in the presence of some officers of the Court of Chancery.

Lord *Lyndhurst:* no person at all acquainted with the Court of Chancery could make such a statement.

Lord *Brougham:* certainly, no person

acquainted with the Court of Chancery in England. It had also been said, that his judgments were beacons which succeeding Chancellors ought to avoid. No mis-statements could be more gross; the wildest imagination, the most reckless disregard to truth, could not go further. What increased, if that were possible, the utter absurdity and falsity of this assertion was, that the very same person who now talked of his judgments in this way had on the 25th of May, 1838, in a company of 4,000 persons, and in his own presence, stated that he was the first judge of equity —a gross exaggeration, God knew—who had ever shown the suitors in Chancery that they might have good judgments with speedy despatch of business together. This was the person who, because his public conduct had been commented upon by him, had now discovered that his judgments were only good as beacons to warn future Chancellors. He had pronounced no new judgment between May, 1838, and March, 1839, so that this dictum must have been uttered after a reconsideration of those volumes of judgments with which he had encumbered the shelves of the profession. When holding the great seal, he had formed a determination never to lose half an hour at the beginning of the day or an hour at the end, by avoiding going to court, for surely nothing could be more absurd than for a Chancellor to dance attendance on drawing-rooms—to avoid as much as possible Cabinet meetings, and confine himself to the judicial business. These were the means by which he had got rid of the arrears. It did not at all follow that this could be done every year. It had been very kindly said, by his noble and learned Friend on the Woolsack that this close application to business had occasioned his illness and absence from Parliament; but his noble and learned Friend was in error. He was perfectly well in 1833, in 1834, in the early part of 1835, he had never been better in his life; it was the hard work he had gone through in that House in 1835, and especially when the Municipal Corporations Reform Bill was before it, which had broken his health. Some of his noble Friends opposite might be inclined to consider it as a judgment upon him, but the five or six weeks of unremitted exertion through which he had passed, and the great pains which his noble and learned Friend opposite had taken to thwart him and defeat the bill, thus far more than repaying any service which he had rendered his noble and learned Friend by causing the loss of his Chancery Bill in 1830, had caused his subsequent retirement from that House. If the arrears of appeals were now got rid of altogether, and the Chancellor could hear original causes, then the Chancellor was restored to his pristine functions, to the title of an original, not an appellate judge, and the judicial power of the court was increased one third. He hoped his noble and learned Friend opposite would not suppose he was obstinately adhering to an opinion which experience had proved to be wrong; all that he wished was, that both sides of the cause should be heard before it was decided. His noble and learned Friend had said, that the business of the Court of Chancery had been increasing constantly and greatly since the time of Lord Hardwicke. No doubt there had been a great increase in the number of bills filed. But he wished to press on the attention of their Lordships, that some of the sources which had formerly produced a vast amount of business had been cut off. They must not look on the present judicial powers of the Court of Chancery as being the same as they had been in former days; they had been very greatly increased; so much, that even if the amount of business had been doubled, powers would have increased in the same proportion. Thus by the creation of the Vice-Chancellor's Court the judicial power had been increased more than 50 per cent. within the last twenty-five years. He said more than 50 per cent., because the Chancellor had it not in his power to devote his whole time to his functions as head of the Court of Chancery; his political duties and those of the appellate jurisdiction occupied great part of his time; his noble and learned Friend would bear him out in saying that much less than half the business was done in the Chancellor's branch of the Court of Chancery before the creation of the Vice-Chancellor's Court. So that by the new court the judicial power was increased at least seventy per cent. But that was not all. His noble and learned Friend had made a great reform in the Rolls' Court. Formerly that court only sat in the morning, four weeks in the year, and never on Saturday evening. On an average it had sat three days and a-half in the week, and four hours each day, or fourteen hours a-week. But his noble and learned Friend sat six days in the week, and six hours a-day, or thirty-six hours a-week. [Lord *Langdale* said, the whole weekly time of sitting was thirty hours.] Well, thirty hours. Thus, taking into account the creation of the new branch, and the changes made in the Rolls, the judicial powers of the court had been very nearly trebled. The business of the Recorder's reports was withdrawn, which used to take up very many hours, but that was a trifle compared with the change he was about to mention. The Chancellor was relieved from the bankruptcy business, which formerly occupied six or seven weeks a-year, and he was not deprived of the power of sitting a greater number of hours daily than Lord Eldon was wont to sit. Taking all these things into account, he could not exaggerate when he said, that the judicial power had been very considerably more than trebled since the commencement of the present century. That was surely a pretty large addition, and to this must be added the assistance which was now given in the master's office, by an arrangement, trifling indeed, but very convenient, that saved an hour daily of the master's time. When he came to take the great seal, it was necessary that the Chancellor should be attended at the court by two masters. A more useless form had never existed; yet, when he abolished the custom, it was said to be a horrid innovation to do away with the attendance of the masters, who added so much to the dignity of the Chancellor, and aided the court so much in matters of business. If this aid were really given, it must have been given at the distance of Chancery-lane; for all that was done was, that the master came down to the court, bowed to the Chancellor when he came in, received an obeisance in return, and then went back to Chancery-lane. Thus, however, at least an hour of their time daily was generally wasted, which, by doing away with this custom, was gained for more important duties. He thought all these changes sufficient, after he had once reduced the arrears, to prevent the business from becoming in future at all overwhelming to the Chancellor, and, therefore, he saw no reason for increasing the number of judges. On the contrary, it appeared to him that, if his noble and learned Friend now on the Woolsack, but then Master of the Rolls, continued to preside in that court so ably as he did, and that some arrangement could be come to with the Vice-Chancellor by which that judgeship might be abolished, and things placed in the same position as in the beginning of Lord Eldon's time, it did appear to him, at the time he was speaking of, that it might be possible for the Chief Judge in Chancery, by means of great exertion certainly, to go on without arrears, as had been the case under Lord Thurlow, and also under Lord Loughborough. He was aware of the immense number of causes in the inferior courts. He was aware that his noble and learned Friend behind him (Lord Langdale) heard at the Rolls on the average of several years as many as 507 causes per annum, and that, in one year, he had heard 1,000 causes. He was also aware that the Vice-Chancellor heard a great number of causes yearly—he believed he fully kept up to his average; he was aware of all this, but his opinion was not materially altered in respect to the plan he had adverted to. The making of more judges was, in his mind, a clumsy, and he would say, vulgar mode of remedy; at all events, in contemplating any such remedy, never let it be forgotten that it was not till after the establishment of the Vice-Chancellor's Court that the increasing pressure of business began to be most seriously felt in the Court of Chancery, by reason of the appeals from the Vice-Chancellor.

Lord *Lyndhurst:* The increase of business coming into all the equity courts, was very great subsequently to that time.

Lord *Brougham* resumed, by remarking, that no doubt the increase in the general business was very great, but hardly sufficient, he was disposed to think, to account for the whole of the increase which then began to be so much felt. But, however this might be, still he was not quite convinced yet, that exertion would not keep down the arrears in Chancery. But to an increase of judges his objection was insuperable; among other reasons was the extension of patronage which would thereby be conferred on the Crown, for extension of patronage was one of those things to which he objected still, being still a Whig, whatever others might be. But, besides, he thought this was a dangerous remedy, for this reason—it was teaching a very bad lesson to judges to teach them that, if they did not exert themselves strenuously, they would always get help from Parliament by means of a legislative increase of their numbers. He had reason to know this; he knew it right well; for he had not been six months upon the Woolsack before he was applied to by some of the common-law judges to sanction a measure for increasing the number of judges, in consideration of the great increase of arrears of business in the common-law courts. But he said, "No, no, no more judges must be made. Let the reaction increase as the pressure is augmented, and greater exertion be made in proportion as the business to be discharged grows greater. Do this, and don't fly to that baneful remedy—that *mala praxis*—of adding to the numbers of the bench." This was what he said. What was the result? They had got rid of the arrears in those courts, and, as he was told, there were no symptoms of similar arrears getting up again. He thought this went to show that the practice of increasing judges was a bad one, and he was only now more confirmed and more steady in that opinion than he had been heretofore. However, he did not lay down this as a peremptory opinion: he wished the House, and especially his noble and learned friend, to weigh well this part of the subject, with a view to coming to some deliberate determination on it. He came now to another point. They must either give the new judge an ultimate jurisdiction, without appeal—which no man will maintain they ought to do, for there ought to be no court of such a nature constituted with ultimate jurisdiction—or they would give a right of appeal. But by this plan they would most materially increase the total number of appeal cases in equity; and these must come either to the Chancellor or to the House of Lords, and, if they followed the present practice of an appeal to the first, followed by an appeal to the other, they would increase the arrears of appeals both in the Court of Chancery and before the House of Lords. Now, one of his plans, with which his noble and learned Friend seemed to have made merry in his absence in 1836, though not on very sufficient grounds, as appeared to him, was to give an election in appealing. Under the plan of having three judges—a chief judge in Chancery, a Master of Rolls, and a Vice-chancellor—was the new judge to have an appellate jurisdiction over the Master of the Rolls and the Vice-chancellor? If so, they would first fall into the same evils, to a great extent at least, with respect to delay and expense, as they suffered from at present: he meant the evils of a double appeal. And the effects of this would be felt much more by suitors in the courts below than in the House of Lords; for the sort of appeals which took place below were numerous beyond measure, as compared with those which came up to their Lordships' House; but still they would be overwhelmed with appeals in that House. But if, on the other hand, they did not give an appeal jurisdiction to the Lord Chancellor, then parties who might be dissatisfied with the decisions of the courts of equity, whichever of them it might be, must come immediately to that House, a course which would amount, in many cases, to an absolute denial of justice; for the unsuccessful suitor would often sit down under a decision with which he was by no means satisfied, rather than encounter the delay and expense attendant upon an appeal to their Lordships under the present system. While, therefore, on the one hand, to give dissatisfied suitors in the equity courts no resource but an appeal to the House of Lords would often work, under the present system of administering justice there, as a denial of justice; on the other hand, if there were no appeal at all, it would be found that the judges would at length come to act with less care, or if there were certain classes of cases in which an appeal lay, and certain others in which it did not, judges would always apply themselves with more attention and care to those cases in which they knew that their decisions were liable to come under the review of another and superior court, than they did to those cases over which they had an ultimate jurisdiction. He had himself had occasion to observe instances of this in the decisions in bankruptcy of some of his predecessors on the woolsack, who, though, unquestionably, very learned judges, had certainly come to conclusions in some cases which displayed a remarkable inferiority in the qualities he had mentioned as compared with their judgments in other cases, where they were not, as in the former, exercising an ultimate jurisdiction. This, or something like this, must be the case, if all the courts of equity were to act without any right of appeal within themselves. His plan, therefore, was, either to give an appeal to the chief judge in Chancery, or to come to the House of Lords *per saltum*, a course to which, be it remarked, under the operation of the rest of his plan, the objections he had just made to appealing immediately to the House as at present constituted as a judicial tribunal would not apply; for all appeals on minor cases would come before the chief judge in Chancery; all the important ones would come before their Lordships presided over by the Lord Chancellor. But if the table then groaned under an accumulation of appeals, a stoppage would take place? No, for this over accumulation would relieve itself, acting like the governor of a steam-engine, which opens a valve when the pressure is too great. Whenever the appeals became too heavy, then those suitors who wanted justice, and not delay, would go away, or go to the appellate jurisdiction below. Whenever, again, the appellate jurisdiction below became overcharged, it, in like manner, would right itself; those who wanted justice, and who did not come to an appeal court only for the purpose of delay,—those, in fact, who were *bonâ fide* appellants, would come to their Lordships. But it might be objected, "We should be afraid of increasing to a vast amount the pressure of appeals here." His answer was, that the plan which he spoke of gave great judicial force to the House, because the judge who presided in that House would give his whole time to that duty and to the presidency of the judicial committee of the Privy Council, and not in a court of his own. He was glad that his noble and learned Friend had named the judicial committee, for it gave him an opportunity of saying that he admitted as much as any man its defect in wanting a head; it was a defect in its original constitution, and he had always said, that they ought to have a vice-president of it, who should be paid an adequate and fixed salary. This system he was convinced would not have the effect of increasing the appeals either before their Lordships or the inferior courts. Having thus stated his views, and touched upon some of the doubts and apprehensions he felt in dealing with this part of the subject, he now came to what appeared to him the two most important questions of all—he meant the question of the propriety of separating the judicial from the political character of the Lord Chancellor, and the question of a better construction of the court of appellate jurisdiction. With respect to the former, no person went further than he did. If it could be done, in his opinion it ought to be done. As regarded the judicial functions, the only difficulty with him was, that the Speaker of their Lordships' House, as being appointed by the Crown, could never be permitted by their Lordships to take that position with respect to the control of the proceedings of the House which the Speaker in the other House of Parliament, as being elected by the Commons, was invested with, and exercised there; and if the Speakership were made an independent and permanent office, and were well paid, it might soon possibly fall into the hands of persons who were of no talent, but only able to do that which an automaton might do almost, namely, to put the question, and declare whether the ayes or the noes had it, the House saving the trouble of deciding that. The Speaker of that House must, therefore, he thought, be a person invested with the judicial character; he must be a judge, because their Lordships' House was a judicial body; and, as the majority of their Lordships were not lawyers, the principal part of the judicial power exercised by their Lordships must be placed in the hands of the president of their Lordships' House. This officer ought, therefore, to be a judge; but if the three judges in equity were constituted according to his plan, then this officer, whenever he saw fit, would have the power of calling to his aid, while sitting on appeals there, any one or two of the three judges in equity below, to assist the judgment of the House, just as they occasionally now summoned the common-law judges to assist them. Now the other difficulty related to the political position of the Lord Chancellor, and was such as to render the separation he aimed at scarcely possible he was afraid, for such a separation would be quite overthrowing what had been from early periods an invariable custom of Government. However, it ought to be done. It was quite anomalous to see a judge sitting in Westminster-hall, and deciding alone, having no certain rule in the statutes, nor even uniform guidance from precedents, to help his decisions, but deciding almost wholly upon his own discretion, governed only by his own conscience, questions not merely of the most important nature, but questions of the utmost delicacy, and this, too, knowing that he was liable to be removed by the Crown at any moment. Many cases occurred in which the interests of the Crown were directly concerned, and which were questions of the utmost delicacy for a judge so placed to be called upon to decide, inasmuch as the interests of the Crown were often directly involved. He himself very well remembered a case coming before him when he held the seals, in which the interests of the Crown were involved to the amount of 60,000*l.* or 70,000*l.*, the question actually being, whether so much should be put into the privy purse on account of the revenues of the Duchy of Cornwall or not. He felt the delicacy of his situation, and suggested to the counsel of the defendent, that he should be glad to have the assistance of another judge, or, if he chose, two judges. But the counsel thought it much better for his client, that the cause should go on before him alone, because the learned Gentleman said he was sure, that he (Lord Brougham) would lean, as it were, against his allegiance to his master, rather than allow himself to be swayed by it in his judgment. It was quite necessary, therefore, where there were not only so many questions of great delicacy, of a political but of a personal nature, such as questions relating to wards and guardians, to married women, and various other matters, that the two characters should be separated. He could tell them of Chancellors who had given political judgments in certain cases which had come before them—judgments which did not admit of a doubt as to their political bias; these had been thought to be wrong, yet they had long been felt to be very difficult to get rid of—indeed they were hardly got rid of yet, because they formed precedents. Hence he was entirely for separating the political from the judicial functions of the Chancellor. The second point was the construction of a better court of appeal; but he felt the difficulty of arranging the right of appeal between the intermediate court, and the court of first instance. He was inclined, however, to give it to the second of these, in order that the court of appeal might be well qualified to settle causes satisfactorily, and to do its duty with sufficient experience, and with a daily knowledge of matters of practice—a knowledge, that was to say, which should be kept up by practice from day to day; in short, that that judge might establish claims to the public respect and confidence, as well as acquit himself to his own satisfaction, by his mode of discharging business. It was difficult, in his mind, to imagine how a court could be constituted properly if the judge who presided, sat there to adjudicate appeals alone. It was not in the law as in the accurate sciences, where great principles and their applications once learned, were not readily forgotten. His noble and learned Friend near him (Lord Langdale) was probably just as able to solve a problem in mathematics then, as when he took his degree as senior wrangler at Cambridge, and so was his noble and learned Friend opposite (Lord Lyndhurst); but nothing similar to this, held respecting questions of law. Thus he doubted, that if they were to take the most experienced and able lawyer in Westminster-hall, where the statutes were so much studied and so well known, and where discretion was so much less exerted, and place him alone as judge in a court of equity, whether he would not be found to have forgotten his law in a short time, and he doubted also, whether his judgments on such points would give much satisfaction in general, or whether he would feel much satisfaction in his own judgment, if he did not keep up his habits of technical and practical acquaintance with the details. If he did not keep up such habits, he would probably soon quite get out of them. So much was this the case, that he remembered having had to ask the opinion of Sir William Grant on a point of law, about a year and a half after he was made Master of the Rolls, and he with his habitual candour said "Probably the law is so and so; but my opinion is not worth a rush. I have been above a year out of practice." It was highly important, therefore, that the appellate judge should not sit on appeals alone. The judge who sat on appeals saw nothing but the great and important questions; nothing of practice ever came before him, and that consideration was one which he thought should have great weight with their Lordships. He had thus felt it to be his duty to refer to the difficulties which attended the great work of constituting an appellate jurisdiction. They had often been asked why they did not create a good and efficient appellate jurisdiction; that object, he would observe, was much easier called for than accomplished. There had been no doubt, many attempts, many approximations towards it, and in the progress of those attempts, some improvements had been really effected. The Judicial Committee of the Privy Council had been called into activity. Four judges sat there and heard causes, nothing was heard without them, nothing was decided otherwise than by them; they were chosen from amongst the judges of the common-law courts, the equity courts, and those in which the civil law prevailed. Of those four judicial persons, although all of them were present, yet they presided in turns—they gave judgment in turn, and when they differed they delivered their opinions *seriatim*—when they agreed one pronounced the judgment, and further they adopted a practice which he had used in the Court of Chancery—they reduced their judgments to writing; the only thing now wanting to that tribunal would be the appointment which had been recommended of a permanent vice-president, without whose presence no cause should be tried, who should always preside, and who should always deliver the judgments of the court. That judicial committee would then be a most suitable tribunal to which to refer divorce bills—an object long and earnestly desired, and never yet effected. The Patents Act furnished in its working a practical evidence of the expedition and efficiency of the proceedings in that court; they had often disposed of three or four causes in the course of a morning, which if brought before Parliament would take as many months, with all the disgusting accompaniments of jobbing and canvassing. In conclusion he would say, that he should gladly assist any of his noble and learned Friends in promoting the great objects of Chancery reform. In justice to himself, however, he felt bound to add, that when it was supposed that he had brought in no bills for the reform of the proceedings in the Court of Chancery, a great error was committed. He brought in one bill which was a measure of the most sweeping change in the administration of the law of bankruptcy. It had been observed, that the Court of Review was now without any considerable amount of business before it; he admitted that that court was very much underworked, but it ought not to be forgotten that that circumstance arose from the excellent working of the other part of the system, which in its effects had greatly exceeded the expectations that he himself had formed. It was because there were so few appeals from the six commissioners that the Court of Review found so little business to get through; this he confessed proved an agreeable surprise to him. He had not anticipated that the extraordinary merits of one part of the plan would have had the effect of preventing the other from coming into full activity. Experience had shown that the six commissioners did more business than the whole seventy to whom that business had formerly been intrusted. Then he begged further to observe, that the appointment of the official assignees was the great feature, and the greatest merit of the change which he had introduced. Those official assignees and commissioners created by the new system had been enabled to divide 2,000,000*l.* under old commissions of bankruptcy, which, had it not been for their exertions, would have remained in the hands of bankers and solicitors, who had no interest in seeing the creditors paid, and who, therefore, retained the money in their hands, but who, through the well-directed and zealous labours of the new officers and the new system, were compelled to render up those funds and make dividends to many creditors who would otherwise have remained to this hour without receiving a shilling. There were even instances of old commissions being superseded by reason of there being dividends to the amount of 20*s.* in the pound. This was the only observation he thought it necessary to add to the lengthened remarks with which he had already trespassed upon their attention.

The *Lord Chancellor* said, that he agreed in much of what had fallen from his noble and learned Friend upon this important question. He also agreed that it would be highly expedient, if practicable, to establish an appellate jurisdiction very different from that which was at present in existence. He also thought it would be highly advantageous that the head of the Court of Chancery should exclusively direct his attention to the business of that court. It would be in the recollection of the House, that in the year 1836, he had submitted to them a bill, the object of which was Chancery reform, and it would be also recollected that extreme difficulty was experienced in the attempt to separate the appellate jurisdiction from that House. He was therefore compelled to abandon that plan, and so to modify his bill as to render it acceptable to their Lordships. It was his opinion that it would be highly desirable that a permanent judge should be appointed, who, holding the great seal, should preside over the proceedings of that House, and over the appellate jurisdiction of the Privy Council, but, unfortunately, as he thought, that suggestion was not adopted, and though his noble and learned Friend entertained a different opinion, nevertheless he still must be allowed to say, that it would afford him great satisfaction if a change of that nature could be effected. With respect to appeals, he thought it necessary to observe, that on the last day of term it was his practice to look at the number of appeals, and as a general rule, admitting of hardly any exceptions, to proceed in the sittings after term with the hearing of original causes. He was enabled from the present state of the business in the Court of Chancery to say, that there had not been recently any increase of appeals, nor was there any probability of their gaining head. The press of business, however, rendered it necessary for the Vice-Chancellor to take none but short causes; every cause of length, every cause likely to lead to protracted argument, was left in the list; all the short causes being taken out, the long causes being left in the list, precisely because they were long causes, and because they were difficult; that did not tend much to encourage him to deal with original causes. He trusted he need hardly assure their Lordships that when Parliament was not sitting he gave all the time which he possibly could to the Court of Chancery, but he frankly acknowledged that he did not find himself able to accomplish anything considerable, compared with the evils which existed; for it would be impossible for him in less than three years to get rid of the causes at that moment before the court; if he had nothing else to do it would take him three years to get through them. In the year 1836, he had stated his view of the whole system—he had expressed his conviction that an increase of judicial strength was required in order to grapple with the old arrears, and to prevent the accumulation of new; he had always done his utmost so far as it depended on himself individually, but he was able to effect comparatively nothing. Their Lordships might rest assured, if they would credit his experience, that justice could not be as fully and as promptly administered under the present system as it ought to be, and that it was necessary to add to the judicial strength of the court. He should gladly accept anything as a palliative; he should not object to a proposition, merely because he did not think it sufficient; he should be glad to have it, if it did something, though more might be required. In listening to what he had heard that evening it occasioned him some surprise to find that an attack had been indirectly made on the Government by means of an attack upon himself. He had been accused of being slow in bringing forward measures of Chancery reform. If his noble and learned Friend reflected, he must, on a recollection of the circumstances, think that the accusation was not fair. His noble and learned Friend must have reason to know, that he contemplated bringing forward any measure which there was the least probability of carrying. He wished and intended to bring forward a measure of reform, not because he thought he could carry what he wished, but because he thought it was his duty to accept whatever he could get. Such certainly were his wishes and intentions before the present Session commenced. When he brought forward his bill in 1836, it was said that he lost every thing by seeking to do too much. Others again affirmed, that his want of success arose from asking too little; be that, however, as it might, he would take upon himself to say, that the remedy proposed by the noble and learned Lord was only a small part of that which the necessity of the case required, but he acknowledged that it was directed against that portion of the evil which most urgently demanded a remedy. The property involved in causes before the Court of Chancery was varied and enormous. The new mode of communication by railroads, for instance, recently introduced into this country, had added, in an inconceivable degree to the business of that court. During the recess of last year, he was obliged to return to town for the purpose of deciding contests upon that very subject. But that was only one of the many instances giving rise to an increase of business. Every new scheme, connected in any way with property, immediately came before the Court of Chancery, in some shape or other. The noble and learned Lord (Lyndhurst) had alluded to the state of business in the time of Lord Hardwicke, who left the great seal in 1756. In five years from that period the average number of causes was 491, while they averaged between the years 1831 and 1835 no less than 1,283. In comparing the average number of petitions at those respective dates, he found that in the former it was 371, and in the latter, 1,300. The average number of appeals brought before Lord Hardwicke in each year was 12, while between the years 1831 and 1835 it was 55. The amount of money in the Court of Chancery in the year 1812 was 28,370,000*l.*, and the number of causes 6,256. In the present year the amount of money was 40,600,000*l.*, and the number of causes 10,914. From their Lordships' report in 1832, it was manifestly impossible that any person holding the great seal could get through the business of the Court of Chancery, and at the same time attend to that of their Lordships' House. If that were the case in 1823, their Lordships would see, by the comparative state of business between that period and the present, that the impossibility was rendered much more striking. He well remembered, that his noble and learned Friend used to commence business at ten o'clock in the morning, and conclude at twelve or one o'clock at night. His noble and learned Friend, and he himself, might be able to bear the fatigue of such continued labour; but that was not the question. The question was, whether it was advantageous to the suitors, or best for their interests. In his opinion it was not. In his opinion it would be unworthy of the country to ask for or expect it; but it did not. No judge could satisfactorily perform his duties without expending a large portion of his time out of court in referring to the authorities in the business that came before him, and making up his mind as to the decision he should pronounce. Those who exercised high judicial functions must do this. If they did not, they were not fit for the high judicial situations they held, considering what weighty and important interests depended on their decisions. There was no man who felt, that by an error of judgment, he might be reducing a family from affluence to poverty, or from happiness to misery, who must not feel it a duty incumbent on him to exhaust all the means in his power to enable him to come to a correct decision before venturing to pronounce one. As an illustration of the engrossing nature of the present duties of the Chancery Court, he might mention a trifling circumstance. Having to communicate with his learned friend, the Vice-Chancellor, this morning, he found that he had commenced his labours of this day precisely at the time when he (the Lord Chancellor) was closing the labours of yesterday, namely, four o'clock in the morning. His learned friend had got up at that hour to attend to his business; and he (the Lord Chancellor) had sat up until the same hour to get through some business which he had felt it his duty to dispose of before retiring to rest; so that the Court of Chancery sat up all night. The public could not require more, and yet it was impossible to get through the business of the court. The present measure was good, as far as it went, but it was only a first step. He hoped his noble and learned Friend would concur with him in the necessity of going still further than he proposed to go, notwithstanding what had been said by his noble and learned Friend. It was quite obvious, that the reform proposed by his noble and learned Friend must take place; and the very step which was now suggested would lead to still further changes.

Lord *Lyndhurst:* I don't mean to say that what I propose should be final. My doctrine is not that of finality.

The *Lord Chancellor* was glad to hear his noble and learned Friend say so. But then his noble and learned Friend, whose plan was only half a plan—not even half a plan—did not seem to have the necessary intention of meeting the evil entirely. Between the years 1813 and 1821, the Lord Chancellor heard nothing but appeals. At present he was not able to get through the appeals from two judges; and the proposition was, that he should get through the appeals from four judges. It was suggested, that there should be an equity judge. There was not business for an equity judge. They might take away the equity cases from the Court of Exchequer, and appoint another judge in the Court of Chancery, who would dispose of those cases and be also able to devote time to the business of the Court of Chancery. The first duty which would devolve on them upon any change being made would be to get rid of the arrears of the Court of Chancery. So soon as they found the means of having the business of that court done, then would the business be increased. When the Vice-Chancellor's Court was created in 1813, that was the immediate result. The average number of cases for the three first years was 540, and for the three following 717. Under all these circumstances, it was evident that the public would derive very great benefit from some such change as was proposed, and, although it was far short of what they had a right to expect he willingly consented to it.

Lord *Lyndhurst* said, that it was his object to render the equity side of the Exchequer an effective court. He feared, that the proposition to appoint two new judges in Chancery would meet with difficulties elsewhere. It would be best to try, in the first place, what would be the effect of creating one new judge.

Lord *Langdale* felt the highest satisfaction at the course which had been taken on the present occasion, characterized as it was (with but little exception) by the absence of party feeling, and by a concurrent desire to do that which would be most beneficial to the country. He could not say that the particular suggestion of his noble and learned Friend opposite (Lord Lyndhurst) was, in his opinion, sufficient to meet the occasion. He thought, indeed, very differently; but he altogether agreed with his noble and learned Friend in thinking that the arrears in the Court of Chancery constituted an enormous and intolerable grievance; and, notwithstanding what had fallen from the noble and learned Lord (Brougham) who had left the House, it appeared to him, and, as he believed, to all who had most dispassionately given their attention to the subject, that those arrears could not be disposed of, and that fresh accumulations of arrears could not be prevented, without a considerable increase of judicial power. The distress and misery occasioned by the delays in Chancery were much greater than was generally supposed, and he believed that his noble and learned Friend, notwithstanding the clear and forcible manner in which he had treated the subject, had understated his case. Cases of suffering occurred which, if fully detailed, would greatly affect their Lordships' feelings. He would not, however, dwell on that part of the subject further. Amongst the many causes of delay and expense which required remedy, the most obvious was, that when parties had prepared their causes for hearing, they could not be heard till after a great lapse of time, because the judges were occupied in hearing other causes which had priority in point of time. The simple remedy for this, as his noble and learned Friend had said, was to give an increase of judicial strength; and there his noble and learned Friend for the present, at least, would stop—but he fairly admitted that an increase in the number of judges would lead to an increase in the number of rehearings and appeals, and that inconveniences requiring a future remedy might thence arise; and that if it should so turn out, he would be willing to remedy that evil. He very much wished that his noble and learned Friend who saw so clearly what would happen, would rather consent to prevent the evil by making proper arrangements now, than wait till the evil arose and occasioned additional and unnecessary suffering before the remedy could be applied. However, as his noble and learned Friend consented now to remedy the most prominent existing evil, and would, doubtless, attend with candour to the future evils when they appeared, he was content to take the benefit which seemed to be now conceded. He had, indeed, no doubt that very much more was required to be done. He had repeatedly considered and reflected upon the opinions which he had the honour of submitting to their Lordships on a former occasion, and had seen no reason to alter them in any respect. He still thought that the judicial and political functions now exercised by the Lord Chancellor, ought to be altogether separated; the same man could not perform both efficiently; and the country was greatly in want of a high political functionary to superintend those matters connected with legislation and the administration of justice, the care of which is by the Constitution attributed to the Lord Chancellor, but which his other occupations make it impossible for him to attend to. Moreover, he remained of opinion that an adequate remedy for the grievances existing in the Court of Chancery could not be obtained without providing a constantly sitting Court of Appeal in this House, independently of the Judges of the Court of Chancery. But, notwithstanding these opinions which time and reflection had strengthened, he was well satisfied to concur with his noble and learned Friends who could not yet agree with him, in supporting those immediate measures which had been suggested, and which would not interfere with the adoption of more extensive measures hereafter; and, for the present, he would confine himself to those appointments which he understood his noble and learned Friend to be willing to support, viz., the appointment of an additional judge in the Court of Chancery, and the appointment of an equity judge in the Court of Exchequer. And his noble and learned Friend being, as it seemed, willing to sanction the appointment of two new equity judges, one of whom is to have the equity business of the Court of Exchequer, he should wish, with a view to the preparation of the bills which might be required, to know clearly what mode of proceeding, with respect to the Exchequer, would be most likely to meet with the approbation of his noble and learned Friend. The appointment of an additional judge in Chancery was a simple operation, and would, no doubt, to a certain extent, be successful; but he doubted very much whether, having regard to the constitution of the Court of Exchequer, the simple appointment of an equity baron would be successful. He thought it probable that a mere equity Baron in the Exchequer would not have sufficient employment; and without special provision for the purpose, his court could not be made auxiliary to the Court of Chancery; and, besides, in proportion to his employment, the necessity for rehearings would arise; and, in the Exchequer, rehearings before the Chief Baron could not be had without materially encroaching upon the time required for the other business of his Court. It has been supposed erroneously, that in the Exchequer there is an advantage in having only one appeal from the decision of the judge. The mistake arises from confounding rehearing and appeals, and from the evils of what have been called intermediate appeals being so much less conspicuous in the Court of Exchequer, where so much less equity business is transacted than in the Court of Chancery; but, in truth, the Courts are constituted nearly on the same principle. In the Court of Chancery, the Lord Chancellor rehears causes which have been previously heard by the Master of the Rolls and the Vice Chancellor. In the Court of Exchequer, the Chief Baron may rehear causes which have been previously heard by himself or the other Baron appointed to hear causes in equity, and after such rehearing in either Court, there may be an appeal to this House; that is, in either Court there may be an original hearing, a rehearing which often answers the purpose of an appeal, and a real appeal; and no one who has attended to the administration of justice, can have any doubt of the importance of rehearings as distinguished from appeals. In long, intricate, and complicated cases especially, but in cases of all sorts, it often happens that the parties are taken by surprise at the first hearing; some facts are scarcely noticed as material which afterwards turn out to be of the greatest importance; some points are conceded which ought not to have been so; and the stress of argument may be directed to points which ought to have been abandoned. The party, not clearly understanding his own case till he knows the strength of his adversary's, is often unable, at the moment, to do all that his own interest justly requires; and without a rehearing there would frequently be no justice. Whether a rehearing ought not always to be before the same judge, is a question upon which he thought that doubts might reasonably be entertained; but if the Legislature thought fit to have rehearings of equity causes before different judges, and so give them the nature of appeals, though still materially differing from them, it was important that there should be only one judge of rehearing for all the Equity Courts. His noble and learned Friend seeming to consider that two new equity judges might be required, the question was how their services may be rendered most effective, and least productive of inconvenience. If both judges were appointed in the Court of Chancery, and the equity jurisdiction of the Court of Exchequer, and all the causes now subsisting there were transferred to the Court of Chancery, there would be ample employment for all; and uniformity of practice as well as uniformity of decision would soon prevail; but if it were determined that one of the new judges should be a judge in the Court of Exchequer, then he conceived that it would be desirable to provide means for allowing the causes coming on before him to be reheard before the Lord Chancellor, and to have the practice before him regulated by the Lord Chancellor, in concurrence with the other equity judges.

Lord *Lyndhurst* said, that he was willing to support the appointment of an additional judge in Chancery, or of an equity judge in the Exchequer, or the appointment of both judges if required; but he did not enter into any detail.

The motion was agreed to.

HOUSE OF COMMONS,

Friday, June 7, 1839.

MINUTES.] Petitions presented:—By Mr. KEMBLE, from Dulwich, against a clause in the Prisons Bill.—By Sir C. FILMER, Sir E. KNATCHBULL, and Mr. GREENE, from a number of places, against the Government plan, for National Education.—By Mr. MILES, from a place, against the Jamaica Bill.—By Sir G. GREY, from a place in Scotland, for measures to secure the printing correct versions of the Scriptures.—By Mr. ESTCOURT, from some place, against the Ecclesiastical Duties and Revenues Bill.—By Lord DUNGANNON, from Birmingham, for Church Extension in Canada.—By Sir E. KNATCHBULL, and Mr. Hodges, from the Fruit Growers of Kent, for protection against the Foreign Grower.—By Colonel PERCEVAL, from Sligo, against the conduct of Sheriffs, in the returning of Juries.—By Mr. P. THOMSON, from Manchester and Salford, against the proposed alterations in the Beer Act; also, for facilitating Inland Bonding.—By Mr. R. STEUART, Mr. PACKE, Mr. KEMBLE, Lords MORPETH, and DUNGANNON, Mr. BAINES, Sir THOMAS FREMANTLE, SIR JAMES GRAHAM, and Captain PECHELL from two places, for a Penny Postage.

GOVERNMENT OF JAMAICA.] SECOND MEASURE.] On the motion of Mr. Labouchere, the Jamaica Bill was read a second time, and counsel were heard at the bar against the Bill.

Mr. Burge addressed the House on behalf of the Jamaica planters.*

Mr. *Labouchere*, in moving that the bill be committed on Monday, observed, that in the printing of the bill a material omission had been made in the second clause, whereby the meaning of the Government was considerably obscured. It was intended, although, as the clause now stood, it did not so appear, that ample time should be given to the House of Assembly to adopt the measure suggested by the Imperial Parliament. The error, which had been pointed out to the learned counsel who had just addressed the House, would of course be corrected in committee. He merely mentioned it now, to prevent the possibility of a mistake as to the real intention of the Government.

Sir *E. Sugden* thought it right to take that opportunity to state to the House the course which he intended to adopt with respect to this Bill. He intended to move the omission of clause 1, and to give the Governor and Council the powers conferred upon them by the second section only, in case they agreed to revise, with a view to their continuance, those acts which were necessary for carrying on the government of the island. As he and the right hon. Gentleman were in fact agreed with respect to the second clause, the real motion which he intended to make would be the omission of the first clause.

Lord *John Russell* wished to understand clearly the intention of the right hon. and learned Gentleman, and from what he had gathered from what the right hon. and learned Gentleman had said, it would seem that it was not his intention to take the sense of the House against going into committee, but only upon the omission of the first clause, which empowered the Colonial Legislature to enact new laws in conformity with the Orders in Council. It would seem that it was the intention of the right hon. and learned Gentleman to retain the second clause so far as related to the re-enactment and continuance of the expired Laws; and if he had misunderstood the right hon. and learned Gentleman, he begged the right hon. and learned Gentleman to set him right.

Sir *E. B. Sugden* was understood to say, that the noble Lord had understood what had fallen from him correctly.

Bill to be committed on Monday next.

DUTIES ON FRUIT.] Mr. *Hodges* moved, that a Select Committee be appointed to take into consideration the duty on the importation of Fresh Fruit.

Mr. *P. Thomson*, although he did not mean to oppose the motion of his hon. Friend, must say, that he did not think that any good object could be obtained by an inquiry into such a subject by a committee of that House. If, considering the nature of the climate of this country, that House were to legislate against the importation of apples at 5 per cent., all he could say was that he must give up all hope of carrying out those commercial principles which had been acted upon for years. It would seem that no question was now to be treated without reference to party; but he could not forget the time when he gave his support to both Mr. Canning and Mr. Huskisson, without being influenced by the views which seemed to actuate the hon. Gentlemen opposite. The growers of apples complained that the duties were injurious to them; but, for his own part, he considered this mere delusion on their part. Even, however, admitting that they did receive injury, were not the wants of the public to be consulted, or would any one contend for a moment that in years of scarcity, the public should be compelled to pay extravagantly for apples? He had been furnished with a statement on the subject, which he thought would set the matter at rest, and from the documents which he held in his hand, it appeared that the price of apples in 1833 was 2*s*. 2*d*. per bushel; 1834, 3*s*. ditto; 1835, 2*s*. 4*d*. ditto; 1836, 3*s*. 6*d*. ditto; 1837, 1*s*. 9*d*. ditto; 1838, 4*s*. 6*d*. The duty was first imposed in 1838, and what was the result? Why, that instead of the price of apples being reduced, it was raised to 4*s*. 6*d*. the bushel. If this were the effect of the change, how, he should like to know, could it be alleged that the producers of this fruit had sustained loss by the alteration?

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* The Addresses of Mr. Burge and Mr. Serjeant Merewether to both Houses, will be found in the Appendix, at the end of the Session.

Sir *E. Knatchbull* would not follow the example set by the right hon. Gentleman of saying anything which could prejudice the fair consideration of this question by a Select Committee. It was a question which materially affected the poorer classes, and particularly those in Kent and Sussex. It had also a very important bearing on the question of tithes. He should not, however, say a word on its merits, as he hoped a fair investigation would take place when the House would be in a much better condition to decide.

Mr. *Wallace* considered that it was only by the introduction of foreign fruit that poorer classes could in all seasons obtain apple-dumplings. He should divide the House against the appointment of a Select Committee.

Mr. *Herries* said, the right hon. Gentleman the President of the Board of Trade had taunted Gentlemen on the Opposition side of the House with not having supported him in the liberal course of policy which he had pursued with regard to trade. There was certainly no ground for that taunt, for never had any Gentleman at the head of a public department been so little attacked by an Opposition as the right hon. Gentleman. As regarded the question under consideration, he should not, at that time, express an opinion on its merits. He should wait the result of the investigation which was to take place. He could not, however, help saying that it was impossible for the right hon. Gentleman to have refused a committee after the mode in which he had introduced the Customs Bill last session. It was introduced at so late a period, that no opportunity was afforded to those whose interests were materially affected by its provisions to offer the measure any opposition, and it was, therefore, impossible to have refused an investigation.

Mr. *M. Philips* said, the reason why the right hon. Gentleman had not introduced the bill at an earlier period of the session was, that he was prevented from bringing forward such measures till after the budget was submitted to the House by the Chancellor of the Exchequer. He considered regularity of supply and moderate prices highly desirable to all classes, and in the article of fruit those objects, from the uncertainty of the climate, could not be attained, except by the introduction of foreign fruit. He had no objection to investigation.

Mr. *Godson* would express no opinion upon the merits of the question, but he could assure the House that other counties were as deeply interested in this matter as Kent and Sussex.

Mr. *Darby* thought this was a question which did not depend upon the budget, but if it did, that was only an argument for the production of the budget at an earlier period than usual. It was the general opinion of all classes, that if the act of last session were to continue in force, the proprietors of orchards in Kent and Sussex would be ruined.

The House divided:—Ayes 26; Noes 14; Majority 12.

List of the AYES.

Brotherton, J.
Darby, George
Godson, R.
Grimsditch, T.
Herries, J. C.
Hurt, W.
Ingham, Robert
Knatchbull, Sir E.
Mahon, Lord
Morris, D.
O'Ferrall, R. M.
Palmer C. F.
Philips, M.
Pigot, D. R.
Plumptre, J. P.
Pryme, G.
Rice, T. S.
Sheppard, T.
Stuart, R.
Talfourd, T. N.
Thomson, C. P.
Turner, William
Wilde, Thomas
Williams, W. A.
Wood, G. W.
Yates, J. A.

TELLERS.
Filmer, Sir E.
Hodges, T. L.

List of the NOES.

Aglionby, H. A.
Bewes, T.

Blake, M. J.
Clements, Lord
Gibson, Thomas
Hastie, A.
Hawes, B.
Lushington, rt. hon. S.
Lushington, C.
Marsland, H.

Redington, T. N.
Roche, Sir D.
Rundle, J.
Thornely, Thomas

TELLERS.

Wallace, R.
Hobhouse, T. B.

HOUSE OF LORDS,

Monday, *June* 10, 1839.

MINUTES.] Petitions presented. By the Duke of RUTLAND, and the Marquess of WINCHILSEA, from several places, against the Government plan of National Education; and by the latter, from Sudbury, against the Church Discipline Bill.—By the Duke of RUTLAND, the Earls of DURHAM, BELFAST, and HAREWOOD, Lords ASHBURTON, FAVERSHAM, and BROUGHAM, and Viscount MELBOURNE, from a number of places, for a Uniform Penny Postage.—By Lord BROUGHAM, from Blackburne, for the Repeal of the Beer Laws.—By Lord MELBOURNE, from several places, against the Repeal of the Beer Laws.—By the Bishop of HEREFORD, for Church Extension in Canada.

ROMAN CATHOLIC CHANCELLOR AND ECCLESIASTICAL JUDGES.] Viscount *Strangford* said, he was extremely anxious to put a question to the noble Viscount opposite, on a subject which he conceived to be of great interest and importance to her Majesty's Protestant subjects. He perceived, from the printed votes of the House of Commons, that an hon. and learned Member of that Assembly had given notice of his intention to bring in a bill to enable persons professing the Popish faith to practise in the spiritual courts of these realms, and to hold the office of Lord High Chancellor. He could only know the circumstance through the channel to which he had alluded; but he had heard that the announcement was received with cheers by those to whose support the noble Viscount was mainly indebted for his small majorities, and that no expression of disgust or indignation came from the colleagues of the noble Viscount, they being the Protestant servants of a Protestant Sovereign. He now wished to ask, whether the measures, of which notice was thus given, were to be brought forward with the concurrence and sanction of any portion of that section of which it was said the present Cabinet was partly composed — whether the Government had given any countenance to such a proceeding?

Viscount *Melbourne*: Certainly not. The subject was not introduced with the sanction or approbation of her Majesty's Government.

Viscount *Strangford*: I am very glad of it.

Lord *Brougham* said, such a proposition seemed to him to be as hopeless as it was absurd.

The Marquess of *Londonderry* expressed his astonishment, that certain statements which had been publicly made by an hon. Member of the other House, and which had been reiterated by the hon. and learned Member for Dublin, had not met with the reprehension they deserved from the noble Viscount and his colleagues. They ought to have been the first to repel such base, unmanly, and wicked statements. Those speeches had, however, been suffered to pass unnoticed. No attempt had been made to check such proceedings. He believed, however, that Ministers could not help themselves; and, that being the case, he could assimilate the authority that was exercised over them in no other manner than by comparing it with that sort of control which Mr. Van Amburgh exercised over his lions.

The Marquess of *Lansdowne* rose to order. It was unusual and irregular to proceed with a discussion when there was no motion before the House.

The Marquess of *Londonderry* would meet the objection of the noble Marquess by moving the order of the day, though he did not think, looking to the constant practice of the House, that he was out of order. When a question was asked with reference to certain proceedings of the hon. and learned Member for Dublin, he certainly had a right to state his opinion as to the situation in which the Government was kept by that individual.

The Marquess of *Lansdowne* said, it certainly was out of order, after a question had been put and answered, to proceed with a discussion.

The Marquess of *Londonderry* would put it to the candour of the noble Marquess, whether these things were not constantly done? Whether they were not done night after night, and week after week? He would ask, was not the noble and learned Lord opposite constantly doing the same thing?

Lord *Brougham* said, certainly this course was often taken. The noble Marquess was not undoubtedly the first to adopt the practice, though he often recurred to it. He admitted, that he had himself sometimes followed the example of the noble Marquess. The noble and learned Lord was proceeding to state his impression of the speeches which had been alluded to, when he was interrupted by

The Marquess of *Londonderry*, who complained that the noble and learned Lord was then speaking, there being no question before the House. Surely, he had a right to take the same latitude.

Lord *Brougham* said, perhaps he might be excused, in consequence of some correspondence which had taken place with him on this subject. One of the hon. Members alluded to had denied having used certain very coarse expressions that had been imputed to him. He certainly felt that he ought to apologize to their Lordships for ever having entered into the subject at all. But he had deviated from his usual course, in consequence of the great respect which he owed to that illustrious family. He certainly spoke of the late Mr. Grattan, and he was greatly astonished that such sentiments should have been attributed to any relative of his.

The Marquess of *Londonderry*. Does he say, that he did not use the words imputed to him?

Lord *Brougham*. He declares that his expressions were not so strong as they have been represented.

The Marquess of *Londonderry*. Can the noble and learned Lord defend the expressions of the hon. and learned Member for Dublin?

Lord *Brougham*. Quite the contrary.

The Marquess of *Londonderry* said, then he would read what had been said by the hon. and learned Member for Dublin, from which the other hon. Member had not dissented. [Here the noble Marquess read an extract from Mr. O'Connell's speech, in which he spoke of the treacherous taking off of former sovereigns of these realms—of the rather novel historical discovery, that the Duke of Buckingham had murdered the nephews of Richard 3rd—and expressed his opinion that the Queen's life would not be safe in the hands of the Tories.] Did Mr. Grattan, he would ask, in his speech, say less than that? Allusion had been made by that individual to an illustrious Friend of his (the Duke of Cumberland) who was not in this country. Now, he thought it was his duty in his place in that House to state, that her Majesty had not a subject in the realm more devotedly attached to her, or who would more willingly sacrifice his blood and life in her defence. Yet they found these infamous statements concerning him openly made to the people of Ireland—the most inflammable people in the world—unreproved and uncensured. Those, however, who dealt in such calumnies would, in the end, be visited by the just contempt of society.

Conversation ended.

IRISH PACKETS.] The Earl of *Wicklow* wished to put a question to the noble Earl at the head of the Admiralty on a subject of considerable importance, and which had recently become more important in consequence of the facility which the Liverpool railway afforded for communication with Dublin. Before the management of the mail packets was transferred from the Post-office to the Admiralty, a great advantage was derived from the Government packets conveying parcels of a certain weight, at a moderate charge, across the Channel. If the convenience were great at that time, it was infinitely greater now, in consequence of the formation of the railway. Since the transfer, the Admiralty had thought it necessary to appoint an agent for the transmission of parcels. He did not complain of the appointment in itself, but he complained that it was given in such a manner as to confer on the agent a complete monopoly with respect to the transit of goods, and enabled him to impose such conditions as he pleased on that transit. The Government had a right to choose the person who was to fill this situation, and he did not complain of the individual whom they had selected. That person was Mr. Peter Purcell, who had been one of the prime agitators of Ireland—a determined Precursor, and an active supporter of a gentleman who had been a good deal spoken of that evening. In consequence, however, of his having called for a detailed account of the funds of the Precursor Society, he believed that Mr. Purcell was no longer patronised in that quarter. Under such circumstances, it was probable, that were the appointment now to be made, he would not be favoured with it, but he had received it in June last. Now, what he complained of was this, that the agent thus appointed had a right to ask what sum he pleased for the transit of goods; and further, that he might refuse to take them unless he was employed to forward them to whatsoever part of the country they were destined for. This was felt as a matter of great grievance and vexation to the other carriers in Dublin. He contended, that the noble Earl had no right to make an appointment to which such powers were attached. He ought not, for the sake of patronage, to have bestowed such a monopoly on any one individual. He had no right to deprive all other persons of the advantage of the transit of goods by those packets unless they also commissioned the Government agent to send them to those places for which they were ultimately intended, and unless they agreed to pay whatsoever sum he pleased to charge. He had himself felt the inconvenience of the system of which he complained, for many packages were transmitted to him from this country, and he had found the charges so high that he was actually obliged to forego the benefit of the railroad. He wished to know, whether it was intended to remove this evil?

The Earl of *Minto* felt obliged to the noble Lord for having intimated his intention to him to bring forward the subject, which had enabled him to make such inquiries as placed it in his power to give a satisfactory answer. Originally, the Post-office packets had not been allowed to carry parcels at all; but in the course of 1837, the Admiralty packets were allowed to take such packages as were usually conveyed by mail coach. The superintendents of the Admiralty packets had represented to the Post-office the great inconvenience of this, and wished the practice to be no longer continued. A communication to this effect had been made to the Treasury, but the Treasury had ordered an arrangement to be made for the transmission of such packages, and had directed Commander Chappel, of the Post-office packet station at Liverpool, to make the best arrangement for such transmission. About a month afterwards, an offer was made through Commander Chappel by Mr. Purcell, to undertake the conveyance of all parcels. He (Lord Minto) could assure the noble Lord, that the politics of Mr. Purcell were perfectly unknown at the Admiralty. Commander Chappel stated, that this Mr. Purcell was a considerable coach proprietor in Ireland, and was therefore a likely person to succeed with the arrangement. An arrangement was made with him as to the conveyance of those packages; but nothing of the nature of a monopoly was granted to him. It was thought advisable, that some person should be responsible to Government for the safe delivery of all packages, and that was the reason of the appointment. With regard to the future arrangement of the packets at the Admiralty, the contracts for the packets were that they should deliver the mails; they took no cognizance of them as passage boats for passengers or for parcels. The Admiralty had nothing to do with what they charged for them. If it were true, that this gentleman had abused his privilege, it was quite obvious that parties might send their packages by other steamers.

The Earl of *Wicklow* said, it was quite evident to him, that the noble Earl did not clearly understand the position he was explaining. He was aware, that the noble Earl had matters of greater importance to manage, and might not therefore have attended so closely to this; but he (the Earl of Wicklow) was always disposed to think, that persons filling inferior positions were never guilty of abuses if proper superintendence were exercised over them; and, therefore, the responsibility rested with those whose duty it was to exercise that superintendence. It was quite clear the noble Earl did not understand the subject, for he said it was no monopoly, as parties could send by other packets. The very reason of establishing this mode of conveyance was, that the Post-office packets from their greater velocity afforded greater facilities for transmitting parcels, and this advantage was now monopolized, and the public were deprived of it except at unreasonable charges, Mr. Purcell charging what he liked.

The Earl of *Minto* said, no doubt there must be some slight fault, but if the noble Earl had mentioned it to the Admiralty that there was any irregularity, or any abuse, or overcharge, the Admiralty would have paid immediate attention to such representation. He really knew nothing of the manner in which Mr. Purcell proceeded. He understood Mr. Purcell undertook to deliver the parcels to the parties to whom they were addressed.

Subject dropped.

NATIONAL EDUCATION.] Lord *Brougham*, having presented a petition from a Dissenting congregation of Cote, in Oxfordshire, in favour of the national Education scheme, and asserting, that the clergy of the Established Church had no right to assume the exclusive education of children, stated, that he was not disposed to any longer refrain from not pressing forward his bill on education. Nothing could be more absurd than the stories going forth, that his noble Friend's minutes of council was for a great system of national education, for nothing could worse describe the plan than such a title. His bill applied itself to every part of that important question. He should, therefore, consult the convenience of the House, on the naming of the day, as their Lordships would not wish to be absent.

Bill to be brought forward on Thursday.

The Bishop of *London* had several petitions to present of a contrary nature to that presented by the noble and learned Lord, against the scheme of national education. The petitioners to whom the noble and learned Lord had alluded supposed the clergy to put forward claims for the exclusive education of the people. That was a claim which was never put forward by the clergy. What the clergy had put forth was this, they claimed a right to the exclusive education of the children of the Church of England; that was the right which they claimed, and which, by God's blessing, they would never recede from.

The Marquess of *Lansdowne* said, his noble Friend in the other House had not put forward any such extravagant and absurd pretension as that adverted to by the noble and learned Lord. Such a pretension was certainly supposed to have been put forward by the Church of England. The plan proposed by his noble Friend was for the partial training of schoolmasters for the accommodation of all classes, which had been objected to by persons in high authority, and connected with the Church of England, on grounds utterly untenable, except on the ground, that the Church of England enjoyed a monopoly in educating youth. He was glad to hear from the right rev. Prelate, that he distinctly denied this. He would not then detain their Lordships by going into any detail on the subject; but he had thought it right to the right rev. Prelate to exempt him from entertaining that inordinate pretension which had been held in different places.

The Bishop of *London* had not presumed to speak on behalf of the Church. He had stated his own opinion, and what he believed to be the opinion of the clergy at large. He was unwilling to bring himself forward as the representative of the Church on that occasion. What he had stated was, that the clergy of the Church of England claimed the exclusive education of the children of their own persuasion.

Petitions laid on the table.

THE MAURITIUS.] The Marquess of *Normanby* would take that opportunity of observing, with respect to the Mauritius, that though he had as yet received no official communication from the island, yet he had had information from colonial newspapers of the 3rd of March, which had been put into his hands, to the effect, that the Order in Council had arrived there, and had been proclaimed, and that total emancipation was to take place almost immediately.

Lord *Brougham* said, it was a cruel thing to think, that slavery should have existed longer by six months in the island of Mauritius than in any other of the British Colonies, whether Crown or chartered colonies, when in reality emancipation ought to have come into operation sooner there than anywhere else. He said, sooner than anywhere else, because, by the owners' own accounts, it was admitted, that one in three, or 1,000 out of 3,000 slaves, were imported into the country in direct defiance of the law, by which such importation was made a capital felony. This was the amount admitted, but in reality not fewer than one-half of the whole number of slaves in the island were imported under the connivance of various persons who had been in authority at different times, and who for their conduct therein ought to have been impeached.

CHURCH DISCIPLINE BILL.] The Bishop of *Exeter*, on presenting a petition from the clergy of a portion of his diocese against the Church Discipline Bill, said, he would take the opportunity of stating, in consequence of something that had occurred the other night, what was his habit with respect to the petitions of his clergy. It was his habit, when any important measure affecting the Church was about to be submitted to Parliament, to consult his clergy through the medium of his archdeacons, and on a late occasion he had permitted the publication, in a country newspaper, of a letter addressed by him to one of those officers for that purpose. No opinion of his was stated in that letter, nor any bias whatever given. He begged to add, that he should continue to pursue this course, because he thought, that as the clergy had no longer an opportunity of recording their sentiments on meeting in the two houses of convocation, they should have an opportunity of meeting, privately or otherwise, and apprising their bishops of the result of their deliberations respecting measures touching the interests of the Church.

Adjourned.

HOUSE OF COMMONS,

Monday, June 10, 1839.

Minutes.] Bills. Read a second time:—Bills of Exchange.—Read a third time:—Clerks of the Peace; Double and Treble Costs.

Petitions presented. By Lord Elliot, Captain Alsager, Sir G. Staunton, Messrs. Halford, G. W. Wood, Sturt, Bayley, Bethell, Christopher, E. Buller, Hope, Broadley, Cartwright, Maunsel, Mackinnon, and Hurst, from a great number of places, against the Government plan of National Education.—By Messrs. E. Buller, F. Berkeley, Gillon, Hurst, Leader, and Grote, from a number of places, in favour of the same.—By Messrs. Grote, Maunsell, Gillon, G. Hurst, Berkeley, Brotherton, Pattison, E. Buller, Baines, Sir Robert Peel, and Sir F. Trench, from a very great number of places, for a Uniform Penny Postage.—By Sir E. Codrington, from certain Seamen, against being taxed in support of Greenwich Hospital.—By Mr. Lascelles, from the West Riding, against conveying Letters on Sundays.—By Mr. Plumptre, from several places, against any further Grant to Maynooth College.—By an hon. Member, from the Archdeaconry of Essex, against the Ecclesiastical Duties and Revenues Bill.—By Mr. Gillon, from Boness, against the Sugar Duties; from another place, in favour of the Scotch Prisons Bill; and from two places, against any further Grant to Maynooth College.

Privilege.] Lord *Mahon* rose to put a question to the noble Lord, the Secretary for the Home Department, and, at the same time, to call the attention of the House to the petition which he presented last Wednesday, from certain inhabitants of Bedford, complaining that their right of petitioning had been unwarrantably interfered with. The petition was signed by very respectable gentlemen, with one of whom he was acquainted, and stated, in substance, that the person complained of, Mr. John Hyde, holding an office under the Crown—that of Receiver-general of Taxes—seeing a petition against the Government scheme of education in the hands of an inhabitant of Bedford, seized, and tore it into pieces. He looked upon the case as one affecting their privileges, and he trusted that the noble Lord, the Secretary for the Home Department, would feel it his duty, in consequence of the statement of the petitioners, to institute an inquiry into the matter.

Lord *J. Russell* thought, that the statement of the petitioners was sufficient to warrant an inquiry. He might, however, state, that it did not appear, on the face of the petition, that the parties complaining had signed the original petition.

Mr. *Alston* was requested to state to the House, that, at the time the transaction complained of took place, Mr. Hyde was dining in a private room at a tavern, with a Mr. Brown, when some person came in, and asked him for the *Standard* newspaper. He replied that he had not the *Standard*, but could lend the *Morning Chronicle*. The stranger retired, observing that he never read the *Morning Chronicle*, and that, if it were put into his hands, he would throw it into the fire. In the course of the same day, another person, unknown to Mr. Hyde, but whom he believed to be the waiter of the hotel, came into the room, and placed a paper in the hands of Mr. Brown, who read a part of it. Mr. Hyde soon found out that the petition was against the Government plan of education, and being aware that the people of Bedford knew that he was a Dissenter, and a man of strong feelings and political bias, he felt that this paper, to which he was ignorant that a single signature had been attached, was sent in for the purpose of insulting him. He therefore took it out of the hands of Mr. Brown, and tore it; but he denied that he used the strong expressions attributed to him in the petition, which charged him with having uttered, at the time of destroying the paper, the words, "Damnation to the petition, to the parsons, and to the Church!" Mr. Hyde had assured him (Mr. Alston), and he certainly did not believe that a more honourable or high-minded man existed than Mr. Hyde—that such words never passed his lips, and that he should be ashamed to use them; but, conceiving that an insult was intended him, he certainly did tear the petition, and said "damnation." Mr. Hyde had been in office since 1803, when he had been appointed by Mr. Pitt, and no public officer discharged his duties more satisfactorily. He did not attempt to justify his conduct, but only to palliate it, which he attributed to the great excitement under which he laboured.

Lord *Mahon* said, that finding from the statement of the hon. Member for Hertfordshire, that Mr. Hyde was sorry for what he had done, and did not attempt to justify, but only to palliate his conduct, it was not his (Lord Mahon's) wish to carry the matter further.

MEDICAL EDUCATION.] Mr. *Wakley* wished to ask a question of the noble Lord, the Secretary of State for the Home Department. In the winter of 1834, there was a committee appointed to inquire into the state of Medical Education. The hon. Member for Bridport was member of that committee, which sat the whole of the session. A great deal of valuable information had been elicited, and part of the evidence taken by the committee had been printed. The question he wished to ask was, why the remaining portion of the evidence had not been printed? It was a subject of great interest to the members of the medical profession, and they were exceedingly anxious to know whether there was any chance of the remaining portion of the evidence being published. The members of the profession were aware that there was a difficulty in preparing the evidence for publication, from the great confusion into which the papers had been thrown, in consequence of the fire which took place, and they did not wish to put the Government to any inconvenience; but, so much time had now passed, that they began to apprehend they would not see the rest of the evidence at all.

Lord *J. Russell* was understood to say, that the hon. Member for Bridport was more able to answer the question put to him by the hon. Gentleman than he was.

Mr. *Wakley* said, the members of the profession themselves were exceedingly anxious to have the testimony given before the committee printed. They wanted it printed, in order that a good medical reform bill might be founded upon it. The hon. Member for Bridport had assured him that no efforts of his should be left untried in order to get the evidence ready.

CANADA.] Lord *J. Russell* said, that with regard to the motion of which the noble Lord, the Member for North Lancashire had given notice, it might be convenient to the House that he should state, that the course which he should take on the Canada question, depended on the course which would be taken by the noble Lord; and when that was explained, it would be for the Government to determine whether they thought it necessary to press the question to a division. If the noble Lord could not agree to the principle of union between the two provinces of Upper and Lower Canada, then he should press his first resolution; but if, on the other hand, the noble Lord did not think it advisable that the House should pledge itself to a measure before it saw the details, then he would withdraw the resolution, move for leave to bring in a bill, and lay the bill on the table of the House.

Lord *Stanley* had no objection to repeat the precise terms of his motion, which were these—that on Thursday next, he would take the sense of the House as to the expediency of pledging the House, by an abstract resolution, to the principle of union between Upper and Lower Canada.

Sir *R. Peel* said, that it seemed to him that it would be advisable to come to a distinct understanding upon the subject of the motion given by his noble Friend, the Member for North Lancashire, and he could not but think it inconvenient that the course to be pursued by her Majesty's Government, was to depend on the speech of the noble Lord. If the noble Lord, the Secretary for the Home Department would recollect, what he (Sir R. Peel) said some time back, was, that if it was not proposed in the present Session to legislate on the subject of an union between the Canadas, nothing could be more unwise than to fetter themselves by a resolution on an abstract question. If, therefore, the noble Lord intended to withdraw his resolution, and to bring in a bill for the purpose of effecting an union, he apprehended that there would be no opposition to such a course. As it might be productive of bad consequences if a division should take place on this subject, he trusted the noble Lord would ask for leave in the ordinary way to bring in a bill.

Lord *J. Russell* thought, that there would be great evil in taking a division upon this question, which might be interpreted, in Canada, as a division upon the principle of an union, whereas it would only be a division upon the expediency of proceeding by resolution or by bill. He should be ready, therefore, to withdraw his resolution, and to bring in a bill.

Sir *R. Peel* wished to know, whether there had been any change in the noble Lord's intentions of legislating upon this subject during the present Session, or whether the bill would be merely laid on the table of the House?

Lord *J. Russell* said, that after the very strong protest against an union by the Legislative Assembly of Upper Canada, the Government would certainly not feel justified in pressing forward legislation upon the subject during this Session.

Mr. *C. Buller* wished to ask the noble Lord, whether he intended to give up the second resolution also; because it was to that that his objections applied.

Lord *J. Russell* replied, that he should take the same course in both cases, and that he should move for leave to bring in a bill embodying the principles declared in the second resolution.

GOVERNMENT OF JAMAICA—SECOND MEASURE.] On the motion of Mr. Labouchere, the House resolved itself into a Committee of the whole House on the Jamaica Bill.

On the question that the first clause do stand part of the bill,

Sir *E. Sugden* said, in rising to make the motion of which he had given notice, he should wish first to draw the attention of the Committee to what the question before them was, not because he very much apprehended that Gentlemen were labouring under a delusion in that respect, and he believed that they were about to enter upon a discussion of a question which had nothing to do with that really under consideration. The Committee were not about to discuss the question between master and slave, but between the House of Assembly and her Majesty's Government. The question between master and slave was brought before the House when her Majesty's Government brought forward a proposition with respect to the termination of negro apprenticeship. It would, perhaps, be in the recollection of the Committee, that upon that occasion he did not hesitate to express himself in very strong terms against the conduct of the planters towards the negroes. He must, however, say, that the right hon. Gentleman, the Judge-advocate (Sir G. Grey) had entirely misapplied what he then said. He should be able to show, that the course which he then took was entirely consistent with the course which he was about to take. On that occasion he not only took the same view of the question as that taken by her Majesty's Government, but he also suggested various clauses for the benefit of the negro population, and which were adopted by her Majesty's Government, and made part of the bill. The question now before the House, was a question which had arisen since the Emancipation Act, and that very act had itself ceased in consequence of apprenticeship having been abolished, and of every man in Jamaica, whatever his colour might be, having become equally free. The Government had abandoned their intention of suspending the constitution of Jamaica, but he must still, in a few words, recall the attention of the Committee to the circumstances under which the Government had introduced their bill for the suspension of the constitution of Jamaica. The right hon. Gentleman opposite must have thought such a course necessary, because he had said, that even now he had not changed the opinions which he then entertained, and that he believed, that the proper course would be a suspension of the constitution. It was therefore his duty to draw attention strictly to the circumstances, which, in the opinion of the right hon. Gentleman, justified the measure of the Government, but which, he must contend, amounted to no justification whatever. It might not be difficult to show, on the part of the Government, some grounds for the course which had been pursued, but he had no hesitation in saying, that the acts of the Government, and the proceedings of the Governor, had led to that line of conduct, on the part of the Assembly, which had influenced the Government to propose the suspension of the constitution of Jamaica. He, however, begged at the outset to state, and to state distinctly, that he was not there to uphold the conduct of the House of Assembly in every part; he could not justify the protest of that body, nor give his opinion in favour of some part of the resolutions which they had passed. He thought the conduct of the members of the House of Assembly, unexplained and unaccompanied by any statement of their objects, in some respects indefensible, and he had never entertained a doubt, that the Imperial Parliament had the power to legislate for Jamaica, when circumstances rendered it absolutely necessary to have recourse to such a line of policy. The difficulty was, to ascertain when it became the duty of Parliament to interfere; and the question in the present instance was, whether a case had arisen to justify the Imperial Legislature in superseding the legislative functions of the House of Assembly. He trusted the Committee would do him the favour to attend to the difference which existed between the present case, and that which had occupied the attention of the House on a former occasion, when the bill for amending the Emancipation Act was considered, and they would then see, that the measures now contemplated were not justified by the occasion. He would press upon the Committee, and upon the Government, to consider the provisions of the bill for amending the Emancipation Act, and the inference to be drawn from that act, relative to the views of the Government with respect to Jamaica. That act imposed heavy pains and penalties, but it did not propose to suspend the legislative functions of the colony. Government, by that act imposed upon the planters, the exact penalties which, in their opinion, the nature of the case called for; but there they stopped. They were not then prepared to suspend the constitution of Jamaica—they were not prepared to proceed to such an extremity at that time. The penalties of the act for amending the Emancipation Act were deemed sufficient, and no more severe proceeding was contemplated. At the time that act was passed, it was impossible to anticipate whether the House of Assembly would put an end to the system of apprenticeship before the expiration of the time when the Imperial Parliament had resolved that it should cease; and they were, in consequence, unwilling to apply their consideration to that object, while they were without evidence with respect to the intentions of the Assembly, and when no provision had been made to meet the change in the circumstances of the negroes, which would take place on their obtaining perfect freedom. When the act for amending the Emancipation Act reached Jamaica, and when it had been communicated by the Governor to the House of Assembly, that body, without any delay, proceeded to consider the subject of apprenticeship, and almost immediately passed as full and complete a measure of emancipation as that House or the country could possibly desire. Was that a measure affording any evidence of unwillingness on the part of the House of Assembly to act in a sincere and friendly spirit towards the negroes; and was it not a measure calculated to conciliate this country, and entitle the House of Assembly to the respect and support of Parliament? Jamaica did more than they had any right to expect. Disregarding her own rights, she had granted complete emancipation in order to conciliate this country, and to meet the wishes of the Imperial Legislature. The act for amending the Emancipation Act had wounded her feelings, and violated her constitutional rights; and, although he had assented to that act, he did not wonder that Jamaica had manifested resentment against a measure which was so calculated to rouse her indignation. A correspondence had taken place between the Governor and the House of Assembly relative to the bill for terminating the system of apprenticeship, and to that correspondence he would now call the attention of the Committee. The Governor, in relation to that measure, had addressed the Council, and the Members of the House of Assembly in the following terms. He said,

> "Jamaica is in your hands; she requires repose by the removal of a law, which has equally tormented the labourer, and disappointed the planter; a law by which man constrains man in unnatural servitude. This is her first exigency."

Now let the Committee attend to what followed. The Governor continued—

> "Jamaica, for her future welfare, appeals to your wisdom to legislate, in the spirit of the times, with liberality and benevolence towards all classes."

And what was the reply of the Assembly? They said,

> "We shall proceed, in the critical posture in which the island is placed, to give to the momentous matters submitted to us our most serious consideration. Jamaica does, indeed, require repose, and we anxiously hope, that should we determine to remove an unnatural servitude, we shall be left in the exercise of our constitutional privileges, to legislate for the benefit of all classes, without any further Parliamentary interference."

Was there anything in that reply which could be considered as indicating anything like reluctance on the part of the House of Assembly to legislate in the spirit of the times? Was there anything indicating hostility to the negroes, opposition to the wishes of this country, or unwillingness to take the necessary steps to meet the change in the circumstances of the colony, which would arise on the termination of the apprenticeship system? No such inference was to be drawn from the reply of the House of Assembly, and all that body contended for was, that they should be left in the free exercise of their constitutional rights. The feelings of the House of Assembly were in accordance with the wishes of the people of this country, and he was prepared to show, that it was the conduct of the Government and the proceedings of the Governor which had tended to alter those feelings, and to induce the Assembly to adopt the course which Ministers now complained of. After the Act for final Emancipation had passed the Legislature of Jamaica, the House of Assembly was prorogued, the prorogation having taken place on the 16th of June, and now let him ask what the conduct of the Governor had been while the Assembly was separated, and while it was impossible for that body to have any communication with his Excellency? The first act of the Governor to which he would call the attention of the Committee was one of great importance, as it indicated a wish to supersede the authority of the Colonial Legislature, and was calculated to wound the feelings of the House of Assembly. The Committee would remember that the circumstance to which he was about to allude had occurred while the Assembly was prorogued, and when that body had not the power of replying. It was an attack behind their backs, which the Members of the House of Assembly had no opportunity of repelling. He now came to the circumstance itself. In a despatch from Sir Lionel Smith to Lord Glenelg, his Excellency said:—

"I am anxious to draw your Lordship's attention to the Act of this island, 5 William 4th, chap. 2, for enlarging the powers of justices in determining complaints between masters and servants, &c. This Act has already been found to operate with great severity against the European emigrants; and the friends of the negro are naturally apprehensive that it may be converted into a powerful engine of oppression against the labourers, as it gives authority to a single justice to apprehend, under his warrant, servants in husbandry, who absent themselves or neglect to fulfil their contract, and punish them by hard labour, not exceeding three months, or by forfeiture of wages."

Now let the Committee mark what followed. His excellency added:—

"I hope your Lordship will be enabled to rid us of this Act, either by a formal disallowance, or by the authority of the Imperial Parliament."

The Committee would, therefore, see, that after the House of Assembly had passed the final Emancipation Act, and after the Governor had appealed to the wisdom of that body to legislate in the spirit of the times, and with liberality and benevolence towards all classes, his first step was, to apply to the Colonial Secretary to disallow an act of the island, or to effect its repeal by an application to the Imperial Parliament. His Excellency first expressed confidence in the wisdom of the House of Assembly, and then, instead of applying to that body, he, on the first occasion, asked the Crown to disallow an act of the island, or to have it repealed by the Imperial Legislature. A worse instance of bad faith he must say he had never witnessed. In reply to the despatch of his Excellency, Lord Glenelg said, that the act alluded to had been too long in operation to be disallowed; the Government had not fallen into the views of the Governor, and so the matter terminated. The next case to which he should allude afforded a still stronger instance of the ungracious mode in which the Assembly had been treated. On the 10th of September, 1838, the Governor writing to the Colonial Secretary, said—

"I beseech your Lordship to look to the provisions of the Local Vagrant Act unrepealed, 35 Charles 2nd, chap. 11. This Act was introduced against the lawless soldiery of Governor Doyley, and many violent planters are now rejoicing in the power it gives them of flogging free men from parish to parish, and there is an improvement in its penal powers by the 32nd George 3rd, chap. 11, still unrepealed, which adds six months' hard labour in the House of Correction. Your Lordship may bid me apply to the Legislature to repeal these frightful laws, but I should apply in vain; and in the midst of freedom we have still terrific engines of oppression and tyranny preparing for the emancipated population."

Such was the language which the Governor had addressed to the Colonial Secretary relative to the Assembly. They were represented as clinging to "terrific engines of oppression," and ready to carry "the most frightful laws" into operation against the emancipated population. But the Act for final Emancipation was a proof that the Assembly was willing to go even beyond their duty to conciliate the wishes of the people of this country; and yet, with that proof of the liberality of the House of Assembly before him, the Governor wrote to the Colonial Secretary to obtain the interference of the Imperial Parliament, and that application was made before the House of Assembly had been even appealed to. These certainly were two of the worst instances of bad faith he had ever witnessed. Bad, however, as those cases were, they would become still more liable to censure, when he added, and he should afterwards prove the fact, that the Governor was in a state of total ignorance as to the laws to which he had called attention. To what, then, was the conduct of the Governor to be attributed, except to a feeling of hostility and prejudice against the House of Assembly? There was no ground for the accusations which he had made, and was it fair in such a manner to attack a body who had not the power of reply? He should like to know what the feelings of the House of Assembly must have been when they met on the 30th of October, if they had known that such despatches had been forwarded to the Home Government. The Colonial Secretary, too, had fallen into the same error as the Governor. The right hon. Gentleman opposite had told them on a previous evening that those "terrific engines" existed, that the negroes might be flogged from parish to parish under the "most frightful laws, and he had called for the interference of that House to put an end to such "revolting tyranny." Now, the fact was, that no such laws existed, there were no "terrific engines" or "frightful laws" which could be brought into operation against the negroes. Surely, then, when the Governor called for the repeal or disallowance of laws which the Government ought to have known had no existence in reality, it was the duty of Ministers to look into the actual state of the case, and not to have allowed themselves to be influenced by the representations of his Excellency, who was evidently actuated by a feeling of prejudice against the Assembly. When the bill for amending the Emancipation Act was under consideration, the House could have no means of knowing whether Jamaica would or would not terminate voluntarily the apprenticeship system before 1840; but although it was not generally known, yet the Government had information of the passing of the Act for final emancipation on the day the Prisons Bill was introduced into the other House of Parliament. Now, after passing the Emancipation Act, could, he would ask, any measure have been framed more calculated to rouse the indignation of the Assembly, than the Prisons Bill? If Jamaica had refused to emancipate the apprentices, and chosen to retain their rights till 1840, there might have been some reason for the Government interfering in the internal affairs of the colony; but, after the Assembly had complied, in the most ample manner, with the wishes of the Government, of both Houses of Parliament, and of this country, interference could not be justified. The Prisons Bill was introduced as affecting all the legislative colonies of the West Indies, and without any application having been made to ascertain whether prisons bills would be prepared by the legislative bodies themselves in those colonies. One main object of that Bill was to regulate the prisons of Jamaica. It was impossible for Jamaica not to look on such a measure with jealousy, as it was a direct interference, by the Imperial Parliament, with the local affairs of the colony, which nothing short of absolute necessity could have justified. But this was not all. The first act of the Governor, in promulgating the Prisons Act, was to copy the very rules and regulations which, in 1834, had been introduced into the Act of the House of Assembly. So that, in point of fact, the Governor was forced to resort to the legislation of the House of Assembly, in order to carry into execution the Act which had passed the Imperial Parliament. The Colonial Legislature had framed the best rules and regulations for the prisons of the island, and the Governor had adopted them, and yet the House of Assembly were held by the Government as incapable of legislating for the welfare of the people, or of taking those steps which the altered condition of the colony required. Could any thing be more unjust than such a course? and was it possible that the House of Assembly should not feel indignant at such treatment? It might be said by the right hon. Gentleman, that the feelings of the people of this country had been strongly excited by the condition of the negroes, but it was the duty of the Government to have protected the Assembly from the aspersions which had been cast upon that body, and not to have given way to the excitement which prevailed. It had been said, that the Prisons Bill affected Barbadoes also. True, such was the case, but there was a great difference between the Legislative and the Crown Colonies. The Crown colonies having no legislature, were governed by the Colonial Secretary, and by acts of the Imperial Parliament, but it was not so in the Legislative colonies. There, the internal affairs were regulated by the local legislatures, and it was natural that such bodies should be jealous of the interference of Parliament, and surely it would have been useless to have local legislative bodies at all if the Government were continually to interfere, or the Colonial Secretary to disallow all the acts which they might frame. With the recollection of the unpleasant circumstances which took place in reference to measures passed by the Colonial Assembly, and the interference, as it was termed, of the Imperial Parliament with those measures, he thought that there was reason to complain of the Governor, as having exhibited a want of caution in first proroguing the Assembly too abruptly, and then in calling them together too early, without allowing sufficient time to elapse that the feeling of irritation which had been provoked might be in some measure allayed. Under all the circumstances, he confessed, that he was not surprised that there should have been a disinclination on the part of the Assembly to engage in legislation; and he entertained a strong impression that mild and conciliatory measures would have prevented all those evils which had taken place, and that that House and the country would have been spared those discussions which had occupied so much time hitherto. But, as it was, there was no foundation for coming to that House to ask for powers for the Governor which could not be maintained on grounds contained in former acts. If the right hon. Gentleman pleaded a particular case, and argued that the necessity of the case called for such a proceeding, he should be able to answer that by putting the question as to whether or not the Assembly of Jamaica were to have a *locus pœnitentiæ* allowed to them by this bill. He would, however, go further, and he would show that it was a mere farce to call the bill a means for allowing the Assembly to fall into its former course of legislation. The clauses of the two bills had been reversed and altered. The right hon. Gentleman (Mr. Labouchere), in opening the case, said he should first introduce a provision to enable the Governor to pass such temporary laws as might be necessary in case the Assembly would not act. The clause containing that provision in the first bill was now so far changed in the second bill, that the power of the Governor was not made contingent on any such circumstance. As he understood, however, that the Government did not mean to make the power of the Governor contingent, he would not oppose the clause. On the contrary, if the Assembly were to have a fair opportunity of acting, let it be most distinctly understood that if they did not act when that opportunity was given, there was not a man in that House who would not be most ready to give to the Government the powers necessary to carry on the legislation of the colony. But by the clause as it stood at present the council would be mere creatures in the hand of the Governor; and although that might be considered very proper, yet he thought it important that the Committee should know what powers were to be given to the Governor. If the Governor were to have power to remove all or any of the Members of the Legislative Council and the Executive Council, his power over them would be so complete that he would be able to annul any measure he pleased. Then again it was a very nice question whether, after a measure had been passed by the Governor and Council, or by the Imperial Parliament, the Assembly might not repeal it. He was, therefore, prepared to give those powers which would enable the Governor and Council to make temporary laws only in case the Assembly refused to act. He considered the first clause in the bill unnecessary. He came then to the question to which it was particularly necessary he should address himself—that was, was there or not a necessity for the provisions which the right hon. Gentleman had introduced into the first clause, and which he had said could be no longer delayed, and were necessary for the protection of the generally emancipated population of Jamaica against the planters, their late masters? He should be able to show that the laws the right hon. Gentleman considered so binding on that population did not exist, and had not the slightest existence except in the minds of the Governor and the local officers, and of her Majesty's Government; and if he showed that, he thought he should remove all the pretensions for this unsound legislation. The first question on that point was as to vagrancy. The Act of Charles 2nd made a man a vagrant who refused to work for the usual wages, and it was said, that the statute of the 35th of George 2nd allowed freemen (and negroes being now freemen came within the provisions of that Act) to be whipped from parish to parish until they reached their homes; and it was also said, that the subsequent statute of George 3rd permitted an additional punishment of hard labour; and on these suggestions the right hon. Gentleman opposite (Mr. Labouchere) had asked, whether it were possible that the British Legislature would permit enormities of that kind to continue? The state of the law, as he had just described it, had been so laid down by the Governor of Jamaica, in the despatch to which he (Sir E. Sugden) had already referred, and also in the answer of the colonial Government at home to that despatch. It would, however, have been as well if both those authorities had ascertained whether any such law as that of Charles 2nd was in existence. He meant to assert, without any fear of contradiction, that no such law now existed or had any force, and therefore, that the Governor of Jamaica was most grossly mistaken when he referred to that statute as one of tyranny and oppression, against the emancipated population. He asserted, that no such powers were now in force; that there had been no attempt to inflict it, or to put it in practice; that there had been no desire manifested to resort to it; so that all the representations of the Governor of Jamaica and of the Government at home were without foundation, if the Act of Charles 2nd had ceased to be of force and effect. There was a rule of law which no one acquainted with such matters would venture to contradict—that it was not necessary by a later Act expressly to repeal a former statute, but that if the provisions of the subsequent Act, although affirmative, were pregnant with a negative, that then the former was virtually although not expressly repealed; and, therefore, if in this instance there was a provision in the later Act differing from the former, the later Act operated as a substitution for, and not an addition to, the older statute. Before he inquired into the provisions of the statute of Charles 2nd, he must observe, that these were Acts not levelled against the slaves at that time, but against the white and coloured population, including also soldiers who misconducted themselves. The first section of the statute of Charles 2nd directed, that taxes should be raised and expended in the erection of houses of correction. Now that section was altogether repealed, for, by the next statute, the 32nd Geo. 3rd, s. 2, it would be found, that "the justices, vestrymen, and members of the assembly of each parish, should, with the churchwardens, erect and build houses of correction," and these parties for that purpose became and were created a corporation. It was, therefore, clear, that in point of law, the first section of the statute Charles 2nd was repealed by the second section of the later statute 32nd George 3rd. Now, the second section of the statute of Charles 2nd directed that every vagrant should be apprehended and taken before a justice, who had power to order him or her to be whipped on the naked back not exceeding thirty-nine lashes. Now, the right hon. Gentleman opposite had, on this subject, appealed to the feelings of the House, an appeal which never would be made in vain when proper circumstances arose; but in this instance that appeal had been made on grounds which did not exist, except in the imagination of the Governor of Jamaica and the Government at home. For the House would bear in mind, that the power of whipping under the 35th Charles 2nd, was superseded by the powers conferred by the 32nd George 3rd, upon the justices, to send a vagrant as a rogue and vagabond for six months to the house of correction to be built under that Act. The management of those workhouses, or houses of correction, was given under the last statute to the justices, vestrymen, churchwardens, and members of the assembly for each parish, and with them, by a still more recent statute, had been associated the special justices, and therefore there was the best protection against any abuse of power afforded. This body corporate, to whom the management of the prisons was confided, had, it was said, still jurisdiction to whip any persons within their jurisdiction who should misbehave themselves, to the extent of thirty-nine lashes, He, however, should presently show, that, this corporation had no such power. Nay, he would undertake to receive all the lashes that by law could now be inflicted. He was not at all apprehensive of the pain he should endure in consequence. The statute which followed were the 7th George 4th, c. 26, which empowered parishes to bind poor children apprentices, and the Jamaica Acts, 4th and 5th William 4th, c. 8th., which contained express provisions with regard to the erection of workhouses and houses of correction, and also an admirable set of rules and regulations for the management of those places. Those rules and regulations, so far from assuming the existence of the power to whip persons, made a classification, and particularly directed, that due provision should be made in each prison for the enforcement of hard labour upon such prisoners on whom it was felt due to inflict it, and they were followed *verbatim* in the Jamaica Prisons Act of 1st and 2nd Victoria, which also contained no provision as to whipping. He thought, therefore, it was perfectly clear, that there was no power to inflict corporal punishment, and as a proof that no such power existed, no attempt had been made to exercise it. The special justices had been appointed for the protection of the emancipated classes, and he did not find that, under their rule, any man had been hardly dealt with. One man had been sent to prison for two days, only for an offence which, if it had been brought before a police office at home, would have led to a much longer confinement, with the addition of hard labour on the treadmill. In point of fact, how was it possible that in Jamaica there could be any vagrants? Vagrants were persons wandering from place to place without the means of purchasing food or shelter; but in Jamaica the negroes had their masters' provision grounds to which to recur. By strangling the constitution of Jamaica, they would be taking out of the hands of the white man the disposition to do justice to the black, and they would moreover be kindling the embers of dissension amongst both. The House should remember, that the Governor still retained the power to redress any injury which might be inflicted, since, if an individual were sentenced to too lengthened a period of imprisonment, it was in the power of the Governor to mitigate the sentence. The clause was altogether unnecessary; it was without any foundation, or even the pretence of foundation. He pledged his reputation as a lawyer, that there were no grounds whatever for making such a provision, except those that existed in the imagination of the Governor. The clause was, in fact, a mistake, and it would be much more prudent of the Government to acknowledge that such was the case, and abandon it at once, than to persevere until they were told of their error by that House, or by the country, when it was called upon to judge fairly upon the subject. The House of Assembly ought to have an opportunity given it of again entering upon its legislative functions. If it rejected the opportunity so given to it, he pledged himself to give his best support to the Government, in passing such laws as might be necessary to meet the exigency of the case. The right hon. Gentleman concluded by moving that the first clause should be omitted.

Mr. *Labouchere*, in the first place, could not but express his regret that the right hon. Gentleman had not been present at the debate which took place when the former measure proposed by the Government was under discussion, for he (Mr. Labouchere) felt satisfied, that if the right hon. Gentleman had been then present, he would not have thought it necessary to enter into the very wide field of discussion which had occupied the first half of his speech, but which offered nothing but topics already discussed and disposed of. The greater part of the right hon. Gentleman's observations were applicable to a measure which, although it was under the consideration of the House, indeed, upon a former occasion, did not form at present the subject of its deliberations. He hoped, therefore, that the House would excuse him, and that the right hon. Gentleman would not attribute it to any want of respect for his argument, if he abstained from following the right hon. Gentleman in that part of his speech. Instead of doing so, he thought he should better employ the time of the House if he endeavoured to state what he conceived to be the real object of the present debate, and what were the much narrower, although very important grounds, upon which the House had now to form its judgment. With regard to the former bill brought forward by the Government, the right hon. Gentleman had truly said, that it had been withdrawn, not because there had been any change of opinion on the part of the Administration as to its utility, nor because the House had expressed a contrary opinion to that which had been announced by the Government, but because the House was nearly equally divided in its sentiments upon the question. While one party was of opinion that the conduct of the House of Assembly had been such as to lead to no rational belief that they would legislate so as to give effect to the great measure of emancipation, and to satisfy the just expectations of the people of England, the other party considered it expedient, not indeed to succumb to the House of Assembly, not to permit it to persist in the system which it had hitherto pursued, but to give it, to use the phrase of the right hon. Baronet the Member for Tamworth, a *locus pœnitentiæ*, taking care, at the same time, that if the House of Assembly did not avail itself of this *locus pœnitentiæ*, if all legislation was suspended in Jamaica for another year, sufficient provision should be made for preventing the occurrence of anything that could endanger the peace of the community in that colony, or frustrate the great experiment of which it was now the scene. The present bill was framed for the express purpose of carrying into effect the latter of these views of the subject, and of affording the *locus pœnitentiæ* which they contemplated. If it passed, the House of Assembly would be called together and would be invited to legislate, and he should consider that the Government, after making this concession, would be acting in an unworthy spirit if it did not afford to the House of Assembly a full and fair opportunity of legislating upon the subjects now demanding their attention, or if the present bill contained any restrictive provision which the safety and welfare of the people of the colony did not fairly require. The only question then was, whether the provisions of the present bill went any further than the necessity of the case demanded, or whether they were only such as were necessary to fulfil the pledge which hon. Members had given to their constituents, that they would use their best endeavours to secure the success of the Emancipation Act, and not abdicate the control which that House possessed, at the time when it might be most necessary to exert it. For although slavery might be abolished, the interests of the recently emancipated population would furnish abundant cause for the Legislature of this country to continue to exercise its paternal care and solicitude towards the inhabitants of the colony. That was the real question now in debate, and he should say nothing whatever with respect to the bygone transactions which formed the topics of the early part of the right hon. Gentleman's speech, except a very few words in justice to the gallant officer to whom allusion had been made. He could easily understand the right hon. Gentleman's anxiety to vindicate his consistency upon the present occasion, after the course which he had taken on a former occasion. The Act of Emancipation had violated the rights of the House of Assembly to legislate for the domestic concerns of the colony in a much greater degree than was proposed by the present measure; and when he recollected the conduct of the right hon. Gentleman with reference to that Act, he was not at all surprised that he should feel some concern as to his character for consistency upon the present occasion. What had been the conduct of the right hon. Gentleman? Why, a bill was introduced by the Government for the amendment of the Emancipation Act, and the right hon. Gentleman himself had introduced some important and valuable amendments to that bill, referring especially to the introduction of prison clauses into it. Did the right hon. Gentleman who had pressed these clauses upon the Government, now mean to say that a Prisons Bill was not necessary? Did he mean to say, that protection was not required for the free negroes, or that they ought to be left to such protection as would be afforded them by a Prisons Bill passed by the House of Assembly? If he did, he would have some difficulty in persuading the House that he had acted a consistent part. In reply to the charges made by the right hon. Gentleman against Sir Lionel Smith, he scarcely felt it necessary to do more than refer the House to the extracts which he had read on a former occasion, from the speeches of several Members of the House of Assembly, who said, that their quarrel was not with Sir Lionel Smith; that they were most anxious not to make a personal quarrel with him; that their quarrel was with the Imperial Parliament and the Government of England; that their complaint was of the manner and tone in which the Imperial Parliament legislated for the island of Jamaica, and that they wanted to be assured, that that course of legislation would be altered. That was the ground, as alleged by those Members of the House of Assembly, which had led to their differences with Sir Lionel Smith. The right hon. Gentleman had commented in severe language upon the conduct of Sir Lionel Smith towards the negroes; in answer to which he would read an extract from a proclamation issued by that gallant Officer, and addressed to the negro apprentices, on the 9th of July, 1838, which was in these words:—

> "Recollect what is expected of you by the people of England, who have paid such a large price for your liberty. They not only expect that you will behave yourselves as the Queen's good subjects, by obeying the laws, as I am happy to say you have always done as apprentices; but that the prosperity of the island will be increased by your willing labour, greatly beyond what it ever was in slavery. Be honest towards all men; be kind to your wives and children; spare your wives from heavy field-work as much as you can; make them attend to their duties at home, in bringing up your children, and in taking care of your stock; above all, make your children attend Divine service and school."

The right hon. Gentleman might make that proclamation a matter of crimination against Sir Lionel Smith, but the people of England would think differently of it. He felt it due to that gallant Officer, who had had, Heaven knew, sufficient difficulties to contend with besides misrepresentations of this sort, to say thus much in his defence, and repel, as he believed he had refuted, the charges made against him. He now came to what he considered the real question. Both sides of the House, he believed, were agreed as to the principle; but while the Government gave to the House of Assembly a *locus pœnitentiæ*, and time to pass every law that might be required for the prosperity of the island—while they did not attempt to legislate in the slightest degree directly, provided the colonial legislature would but legislate for themselves, they at the same time conceived it necessary to give to the Governor and Council the discretionary power of reviving such measures as the House of Assembly might refuse to re-enact. He knew it would be dangerous to say, at this side of the Atlantic, what were not, and what were, the particular laws absolutely necessary for the good government of Jamaica. He would only say, in reference to the doubt expressed by the right hon. Gentleman opposite, of the original intention of the Government to introduce into the clause conferring the discretionary power to which he had allowed a provision, which would give to the House of Assembly full time to legislate, if they were so disposed—he could only say, that both the original and printed copies of the bill, contained such provision. He might also appeal to Mr. Burge, whom he had informed of the fact of that provision having been accidentally omitted in the bill then before the House. The right hon. Gentleman had objected in very strong language to the powers conferred upon the Governor and Council in the first clause, whereas the arguments of Mr. Burge were specially directed against the second clause in the Bill. That Gentleman went so far as to say, that unless that clause was expunged there was no chance of the Assembly of Jamaica proceeding to legislate. The right hon. Gentleman had told the House, that any new law upon the subject of vagrancy was unnecessary. The right hon. Gentleman was perfectly singular in that opinion. It was not the opinion of the Governor, who said it was absolutely necessary, neither was it the opinion of the House of Assembly themselves. All those encomiums, therefore, which the right hon. Gentleman had passed upon the subject went for nothing. He (Mr. Labouchere) was greatly surprised to hear the right hon. Gentleman say, that there was no vagrancy in Jamaica. If that were the case, how did it happen that the Governor, that the House of Assembly, and that every person who had communicated information on the subject, should have been so completely ignorant of the fact, since they all agreed in saying, that a good vagrancy law was most essentially requisite for the island of Jamaica? He would now proceed to consider what the present law of vagrancy was. He did not rest his opinion on the subject upon his own authority, otherwise he should be very reluctant to oppose it to that of the right hon. Gentleman opposite. The right hon. Gentleman proposed to stake his reputation as a lawyer upon the fact, that the act of the 35th of Charles 2nd., the frightful provisions of which he had read on a former occasion to the House, was from beginning to end repealed and annulled, that it was no more the law of Jamaica than if it had never been enacted, and that he (Sir E. Sugden) could not understand how any man of reason could look at the statutes of Jamaica, and not be of the same opinion. He (Mr. Labouchere) had a very great respect for the opinion of the right hon. Gentleman, but he thought he should be able to show that neither had the Governor of Jamaica stated that a new law was necessary, nor the colonial officers adopted that statement, upon light grounds. He thought he could likewise show, that the opinion of the Chief Justice, and that of the Attorney-general of Jamaica, were entitled to some respect upon this point. If it happened that their opinion was in direct contradiction to that of the right hon. Gentleman, he would not say it followed that the right hon. Gentleman was right and they wrong, but that there must be some obscurity on the subject, and that it was the duty of that House to provide that no obscurity should exist. He conceived that the opinion of the Chief Justice and Attorney-general of Jamaica was practically of considerable importance on this subject, because they were the persons who had practically to decide upon it. It would be rather an unfortunate kind of consolation to the negro who was flogged under the act in question to be told, that in the opinion of a very eminent English lawyer he had been flogged illegally. He feared the right hon. Gentleman had rather rashly declared, that he would willingly undergo any number of lashes that could be inflicted under that act. In a despatch, dated November 6, 1827, he found the opinions of the Chief Justice and the Attorney-general upon this subject (the right hon. Gentleman read an extract from the despatch), to the effect, that the 35th of Charles 2nd, c. 11, gave the power of punishing vagrancy in Jamaica; that by the 3rd section the churchwardens were authorized to apprentice poor children; that the 4th section of George 3rd, authorized the establishment of workhouses, and the 5th the occupation of vagrants at labour for a certain period. When they found it to be the opinion of the Governor that very serious evils might result from maintaining the present law, and not enacting a new one on the subject of vagrancy, and when they found that the House of Assembly also required some alteration in the law, he thought he might fairly conclude that it would be most inexpedient to allow another year to pass over without some new enactment on the subject. The right hon. Gentleman had stated, that there was no evidence of convictions having taken place under the present act. That was true; but it should be recollected that hitherto ejectments had not taken place to any great extent. At all events, it could not be said that the House of Commons was acting intemperately in providing that legislation on the subject should take place, when they at the same time provided, that ample means and time should be afforded the Legislative Assembly of Jamaica to legislate for themselves before we should attempt to interfere with them. The right hon. Gentleman had likewise observed, that even if they (the Government and law officers of Jamaica) were right in supposing that this law, or what they regarded as the present vagrancy law, was actually in force and unrepealed, that after all it did not vary much from the English law, he (Mr. Labouchere) conceived they differed in many important points, and that the Jamaica law was infinitely harsher than the English law. Even if such were not the case, and that in each the same powers were given to the justices over the labourer, still he should be prepared to say, that the law that might work well in England might work extremely harshly in Jamaica. He quite admitted, that in the orders of council then on the table of the House there was evinced a distrust and suspicion, but it was a necessary distrust and suspicion. He now came to the law which regulated contracts for lands, upon which the House of Assembly had come to a similar conclusion—namely, that a new law of contracts was urgently required for Jamaica. The right hon. Gentleman said, he did not consider any new law was necessary. He (Mr. Labouchere) however, must say, that he considered the House of Assembly and the Governor of Jamaica upon this, as upon the other point, a higher authority than the right hon. Gentleman could possibly be. If they compared the contract laws of England and Jamaica, a very great difference would be found between them. The law of contracts as at present existing in Jamaica was completely a one-sided law. All the penalties and punishments were directed against the negro who broke his contract; there were none on the other side. The right hon. Gentleman said there was no necessity for a new law, because there were very few punishments under the present. There were undoubtedly very few, but the reason of that was, that there were very few contracts. The negro would not enter into a contract under the present law, and he (Mr. Labouchere) thought he was quite justified in declining to do so upon such terms as that law provided. It gave to the negro no power to recover from the oppressor, if it should be his misfortune to fall into the hands of one, that which was his due, while it gave to the master every power of teasing and harassing the negro if he should think fit so to do. If they were disposed to place the negro in a just relation to the master, and if they did not wish to prevent him from acquiring habits of industry, then must they agree with the House of Assembly, that legislation on the subject was necessary. The last law to which he had to refer, and which was by far the least important, was that for preventing the unauthorized occupation of land, an evil which had not gone to any great extent in Jamaica. If, however, the system of ejectment were extensively carried on, that law would operate very injuriously. He begged of the House to recollect the position in which they stood with regard to those laws. They had heard the agent for the House of Assembly, and he was glad they had. That Gentleman did not state that any one of those laws was in itself oppressive or unjust, or was not such a law, as the House of Assembly ought to pass; and he begged the House to observe, that those three orders of Council had been in operation in all the Crown colonies without the slightest complaint. He would repeat that it was the wish of her Majesty's Government to respect the feelings of the House of Assembly in Jamaica as far as possible, and as far as possible to avoid any interference with the just rights and privileges of that body, but to adopt so moderate and limited an interference as that which had been recommended from the other side would be a complete abandonment of the position which the Miniters of the Crown had taken up in the last Session of Parliament. In the month of April last year the right hon. and learned Gentleman opposite contended, that the Government in the West Indies should have the power of making regulations for controlling the colonial legislatures, and for affording sufficient protection to the apprentices. His argument now went quite the other way; he altogether objected to the Government making any new regulations. He would ask, was it wise or prudent that there should be so little of consistency or stability in the conduct of public affairs as this violent departure from principles previously acknowledged and acted upon? At times there would appear to be in that House great excitement on the subject of our West-India colonies, and there would appear to be an earnest disposition to agree to any propositions, however sweeping and extensive; then a change would come over the sentiment of the House, the language held would be, that the Imperial Legislature was in a condition to dictate its own terms, and need not be in a hurry. But though some were of opinion that they might now do so, yet he did hope, that as the advisers of the Crown entertained no disposition of that sort, so the House of Commons would act on the present occasion upon no such principle. He agreed, that the period of the apprenticeship ought not to be prematurely terminated; he agreed, that every thing should be done and nothing omitted to show that a protecting care would be extended to the negro population, and he urged these considerations and all others which he had felt it his duty to address to the House with the more earnestness, from a conviction that the House was then upon its trial; and he hesitated not to say, that if they did not take care they would altogether lose the confidence of the colonial dependencies of this great empire. There was no portion of the empire which could put confidence in their general declarations, if on one occasion they limited their provisions in legislation to an extent so narrow as was then proposed, while at another they were ready to go indefinite lengths. He hoped, then, that the House would not reject the proposed clause. Her Majesty's Government were most anxious to limit the interference within the narrowest bounds to which it could safely be confined, and he would claim, in their name and on their behalf, as much credit for what they left undone as for what they did.

Mr. *Gladstone* said, that he felt on the present occasion, as he did on all others when the affairs of Jamaica were under consideration, most unwilling to address the House; but the objection which he felt to trouble them with any observations of his own was much abated when he recollected, that it would only be necessary for him to trespass upon their attention for a very short time. The whole of the legal part of the subject had already been exhausted by his right hon. and learned Friend near him, the Member for Ripon, and he believed, that what remained to be said might be stated in a very few words. He always had agreed in much that fell from the right hon. Gentleman opposite on the subject of our West-India colonies, and especially he agreed in much that fell from him on the present occasion: he agreed with him in thinking that upon a subject of this nature it was a matter of the highest importance that the colonies of this great empire should feel confidence in the steadiness and the stability of the Government. He concurred with those who laid it down as a general principle regarding the control which the Imperial possessed over the Colonial Legislature, that that control was supreme. There could not be a shadow of doubt that Parliament had maintained and exercised that control. It was a matter not to be questioned, that it formed part of the duty of Parliament to watch over, to correct, and to control the Legislatures of our West-India colonies. He agreed further, that as a general rule it was expedient, it was prudent, it was in accordance with equity and justice, that Parliament should leave the ordinary business of legislation to the colonial legislatures, and that Parliament, exercising a control over itself, should not permit itself to interfere or to meddle with affairs of every day occurrence, but should rather reserve itself for great and worthy occasions. If, then, the right hon. Gentleman opposite agreed with him in those general principles, as indeed he did not see how he could dissent, he begged permission to examine in what manner they could be applied to the proposition then before the House. In the first place, it could not be denied, that the Colonial Assembly ought to have a full and fair opportunity to re-consider the course which they had pursued. When that opportunity had been given, and when it was found that the Colonial Legislatures had not employed it to advantage, he should then not be prepared to oppose the interference of the Imperial Parliament, but until that time arrived he confessed it did appear to him that they ought to pause. The right hon. Gentleman opposite had spoken as if the Opposition had treated the question before them as a party question. Could he, on reflection, really think so? In choosing a point of attack, were the Conservative party so much embarrassed as to be driven to the necessity of selecting one so disadvantageous as the defence of the Jamaica House of Assembly? Could any one suppose that they would have entered upon that defence had they not been influenced by those higher considerations which rested on the great principles of public justice? Before he proceeded further, he requested the House to reflect upon the probable reception which a measure of this nature would be likely to receive if, instead of the noble Viscount in another place, the right hon. Baronet near him happened to be at the head of her Majesty's councils. If the right hon. Baronet proposed to suspend the rights and privileges enjoyed by the House of Assembly in Jamaica during 200 years, not only the whole of the hon. Members opposite would raise against him a most formidable opposition, but more than half of his own Friends would withdraw from him their support, and say, that though disposed to vote for his measures generally, this was too much. Was it to be expected, that 294 Members of the Reformed Parliament would support a bill hoping to get rid of it on principles such as had been stated? Now, he would ask, had the Colonial Legislature in Jamaica been allowed the opportunity to which they were fairly entitled? He would assert the negative. It was not in their power to have proceeded with the matter antecedently to the month of November last, for they were, in effect, prohibited by the policy pursued at the Colonial Office, with the details of which it was not then necessary that he should trouble the House. In November last, it was true that these subjects were, though not in the most formal manner, named to the House of Assembly by the Governor; and that they were apparently in a condition to take them into consideration; but the old question of the Prisons Act here interfered. In reference to this act, he would remark that he was ready to admit it to have been in its substance justifiable; what he complained of in that act was, that its form was highly objectionable, inasmuch as it was the form of an ordinary measure of internal legislation. It proposed to legislate in the minutest details for the prisons of the West Indies, in a tone and manner which would have fully authorised any other act of internal interference. Had it not been protested against, by the local legislature, the privileges of the House of Assembly would have been completely set aside, and the Prisons Act, as it stood, would have been a precedent for the most minute interference on the part of the imperial legislature, even to the extent of fixing the price of yams in Kingston market. He requested, at the same time, that hon. Members would not lose sight of the fact that at the time of passing the Emancipation Act, there was an implied contract that all principles on which that measure was founded should be fairly carried out, and there could be no doubt that there had been a full understanding that an improvement in prison discipline was required by the Emancipation Act. He was moreover, prepared to affirm, that Parliament might very well say that they were prepared to admit the ordinary right of the House of Assembly, to admit that in the usual course of affairs that House of Assembly was entitled to regulate the affairs of the colony in such manner as it might think the most fitting; but Parliament might, at the same time, say to the House of Assembly, that they were not competent to the task of re-organizing themselves —that Parliament must reserve to itself that important undertaking: which would not be encroaching on the constitutional rights of the colonial legislature. Bearing these considerations in mind, he should request the House to recollect the demand made by the Colonial House of Assembly; it was this—that they should be guaranteed in the exercise of the ordinary rights of legislation. He admitted the dilemma and the difficulty, but he blamed the mode in which the Executive Government now proposed to interfere with the legislative rights of the House of Assembly, and he contended that that body ought to be allowed a sufficient *locus pœnitentiæ*, an advantage to which they were entitled, and of which the Government themselves stood much in need. That of which he thought the House of Commons had a right to complain was, that there existed no fixed grounds for legislation — that there had been no fair offer given in November last, and that ever since then just grounds of alarm had existed in the minds of the colonial Legislature. Farther, when the right hon. Gentleman talked of his anxiety to give the House of Assembly ample time and opportunity for considering and settling these three important questions, what was his notion of ample time and opportunity? The House was now nearly in the middle of June. Even supposing the bill to pass by the middle of July, which was a very liberal allowance, that it reached Jamaica by the middle of August, was the House of Assembly to be told that unless they passed satisfactory measures on these three wide subjects before the end of September, on the 1st of October there should issue from the office of the Governor certain laws which were to supersede their powers? Such a proceeding as this might be justified by very strong circumstances, but what had the right hon. Gentleman himself stated as to the probability of obtaining laws on these subjects from the House of Assembly? Mr. Burge, it was admitted, might be taken as a criterion of the opinions and views of the House of Assembly, and the right hon. Gentleman had remarked that Mr. Burge had expressed no objection to the three enactments. Now if this Gentleman had not started such objections, and was to be taken as the mouth-piece of the Colonial Legislature, what reason was there for supposing that the House of Assembly was disinclined to take the desired course themselves? Surely the House of Assembly was not treated with the consideration due to them. And what was the difference between them? On the one hand the Government demanded that the House should violate a great constitutional principle; and, on the other, the only inconvenience, they themselves stated, was the delay of a year. But there was every reason to believe, that enactments to answer the purposes required could have become law by January next, and it would have been far better if the necessity had arisen to have summoned a parliament earlier than usual, seeing that there would be no remarkable difficulty in such a step, than have taken a course by which constitutional principles of such great importance were violated. What were the evils which it was asserted would arise from the continued refusal of the Assembly to legislate? The evils were the grievances to which the negro population would be subjected. The House must certainly be surprised to learn that the negro population, whose grievances were made the foundation of this important measure. were a minority of the whole emancipated negroes. At least there were between two and three hundred thousand emancipated negroes in Barbadoes and the other islands, for whom none of these provisions were proposed to be made and yet with respect to whom the necessity for such protection must have been just as great as for those of Jamaica. If, therefore, the Government could make out a case of serious grievance for the population of Jamaica, they would convict themselves of gross neglect and injustice to the negro population of the other colonies, inasmuch as they did not propose similar regulations for them. But because they did not propose any such enactment for the other colonies, he thought the inference irresistible that there was no real case of grievance in Jamaica. With regard to the subject of ejectments which had been touched upon, he thought the planter had more reason to complain than the negro. The planter ought to have some means of ejectment by summary process, as the negro could, by summary process, recover his wages. But this defect in the law, in so far as it pressed upon the planter, it was not proposed to remove. So with respect to the law of contracts, the planter was a greater sufferer from the want of such a law than the negro. There were, in fact, no contracts existing. If there were, the negro might suffer; but there were none existing; and the evil which resulted was not to the negro, who received his wages from day to day, but to the planter, whose operations required that he should have labour on a large scale, but who could not have it on any guarantee for its continuance under the present system. His right hon. Friend had referred to the Act of Charles 2nd., relating to vagrancy, and, upon the question as to whether it had been repealed or not, quoted the opinions of the Chief-justice and Attorney-general of Jamaica, in opposition to the opinion of his right hon. and learned Friend the Member for Ripon. He certainly was surprised to hear his right hon. Friend do this, and could not help suspecting that if the opinions on both sides had been the reverse of what they were, his right hon. Friend would have quoted that of his right hon. and learned Friend the Member for Ripon as decisive authority. But he had another opinion to adduce on this subject, which, though it could give no additional weight to his right hon. and learned Friend's authority, might have some influence with his right hon. Friend opposite. This was the opinion of Lord Glenelg, who, in a letter of the 15th of September, 1838, to the Governor of Jamaica, referred to the opinions of the Chief-justice and the Attorney-general on the subject of the Vagrant Act, and said—

> "The Chief-justice refers to the Colonial Act, Charles 2nd., c. 18; the Attorney-general adds a reference to the 35th of Charles 2nd., c. 11, and the 7th of George 4th., c. 26. It seems to have escaped their notice, that the acts of Charles 2nd. were repealed by the 6th of George 4th., c. 17. Nor has either of them referred to the statute of 17 George 3rd. c. 31."

Non nostrum inter vos tantas componere lites. He did say that if the opinion of his right hon. and learned Friends were not conclusive, that if there were any doubt whether a law two hundred years old were repealed or not, it would be better to set the matter at rest by a new enactment than to make it a pretext for taking away the powers of the Colonial Assembly. There was one other point to which he wished to refer, and that was the second clause, which certainly did involve the power of taxation. But this was a matter of necessity. Its object was to prevent absolute anarchy. In October next the taxes would cease to be due, and it was essential that they should interpose to secure the first necessity of civil society. By this clause the Imperial legislature recognised it as its first duty to make provision that the Government should e carried on, and that the population of the country should not suffer from the suspension of the natural and necessary operations of society. He had not anything more to add. He did not wish to detain the House. The side of the question which he advocated was not that which admitted of popular appeal; but he believed it was the side which involved the principles in the long run most essential to the interests of the people themselves, and entitled to the respect which that House always accorded to constitutional rights. And he must say, that if that respect existed now with the power with which it habitually operated, it would be impossible for the House to sanction the first clause of the bill before them.

Sir *G. Grey* would follow the example

of the hon. Gentleman who had just sat down, by occupying the attention of the House as briefly as possible. Indeed, he should not have felt it necessary to have risen at all, if it had not been for the misrepresentation which the hon. Gentleman had made with respect to the passage of the despatch which he had read. The Chief Justice and Attorney-general of Jamaica were bound to report their opinion on the question submitted to them, and the Government were justified in acting on their opinion, with a view to bettering the condition of the emancipated population. The Government had obtained a full and ample report from the Chief Justice upon the subject of the Poor-law: and the Act of Charles the 2nd to which he had referred was not chapter 11, but chapter 18, which was totally different. It was the Attorney-general who had directed their attention to the 35th of Charles the 2nd, as having a slight reference to the Poor-law. So far from the hon. Member's (Mr. Gladstone) opinion as to the repealing of the law of the 35th Charles the 2nd being supported by the right hon. and learned Member for Ripon, he had only said, that the 35th Charles the 2nd had been virtually superseded by the Act of George the 3rd. No one was more ready to admit the great ability and legal acquirements of the hon. and learned Member for Ripon than he, for he had had the best opportunity to form an opinion as to those acquirements; but upon the subjects to which the right hon. and learned Gentleman had adverted in connexion with that bill, he should be inclined to give a preference to the practical authority of the Chief Justice and the Attorney-general of Jamaica, and, therefore, he could not surrender these opinions even to the high and distinguished authority of the right hon. and learned Member for Ripon. The hon. Member opposite (Mr. Gladstone) had alluded to the fact of Mr. Burge being the representative of the House of Assembly of Jamaica; but he had said, that if the second clause should be passed, the House of Assembly would not legislate under its operation. It was the duty of the House to take care that sufficient protection should be afforded to the population for whose benefit the Emancipation Act had been passed, and to see that its provisions were carried out; and he hoped hon. Members would see the necessity of discharging that duty by passing such a measure as would insure protection to that portion of the population. With respect to the time afforded before the bill should come into operation, the right hon. and learned Member for Ripon had said, that an extension of time might be desirable, and in this the Government had no objection to acquiesce; the words in italics were, in fact, open for consideration, and he should say, it looked like an attempt to excite a prejudice against the bill to speak as if the words which were open for consideration were proposed to remain permanent. He hoped the bill would pass. He hoped the House would adopt a measure which would prevent the possibility of a continuance of oppression in the event of the House of Assembly refusing to legislate, or in the event of their legislating in such a spirit as had been adverted to—namely, to pass for those in a state of freedom laws imbued with a spirit of slavery. With respect to the laws upon the subject of squatting, he was of opinion that they would be equally beneficial to the planter and to the negro. Indeed, he thought that their real interests were the same; it would be calculated to produce great and permanent evil, if the negro population were allowed to settle themselves upon the land which they might find unoccupied, and give themselves up to habits of idleness, which could not fail to injure the planters. In this respect, as in all others, the true interests of all classes in Jamaica were the same.

Mr. *Gladstone* rose to explain. He had come to a wrong conclusion with respect to the Act of Charles the 2nd. Whether the Act were repealed or not, it did not alter his views with regard to the bill. If it were not repealed, it was not necessary to introduce a bill which was such an insult to Jamaica.

The *Solicitor-General* did not rise to defend the opinion of the Chief Justice or the Attorney-general of Jamaica, but he would grapple with the opinion of the right hon. and learned Member for Ripon. He would say, that the Act of Charles the 2nd had not been repealed by the Act of George the 3rd. He was aware there was a difficulty in deciding with those nice legal distinctions before the House, but he would show that it had not been repealed. The Act of Charles the 2nd recited, that "all rogues, vagabonds, and other idle persons, who should be found wandering from place to place, or in any otherwise mis-ordering themselves," might be apprehended by a constable and brought before a justice of the peace, who had by that Act the power, if they were fit to work, to order them to receive any number of lashes not exceeding thirty-nine upon the bare back. Now, under that Act, persons who went about in the West Indies practising the obi, or palmistry, or any other nonsensical superstition, were subject to punishment; but the Act of George the 3rd did not allude to such persons, so that, in that respect, it did not repeal the Act of Charles the 2nd; and the argument of his right hon. and learned Friend did not apply. There were various other points in which the Act was not repealed, but he thought that which he had mentioned was sufficient to show that all cases to which the Act of Charles the 2nd was directed were not within the purview of the Act of George the 3rd.

Mr. *Goulburn* had no intention of entering into a legal argument; he had not the honour of belonging to the legal profession; and he was perfectly satisfied with the opinion of his right hon. and learned Friend, the Member for Ripon, than whom there could be no higher authority upon such a subject. With respect to the opinions of the Chief Justice and Attorney-general of Jamaica, they had only stated, in answer to questions from the Secretary for the Colonies, what laws were in force respecting Poor-laws and the Vagrant Act; but when the Secretary for the Colonies had directed his attention to the fact of one of those laws being repealed, the Chief Justice admitted his mistake; and if he had then been mistaken, it was clear that the House of Commons were not bound to rest upon his *ipse dixit* with regard to the subject then before them. The next question was the nature of the bill before them; and he would ask, could there be a doubt of its nature? It was sought by that bill to give to the Government and Council of Jamaica a power of refusing any measure which might pass the House of Assembly, thus preventing it from becoming law; it also gave the Governor and Council the additional power of legislating without the assistance or consent of the House of Assembly. What would be the consequence if such a power were given to the House of Commons in this country—a power to legislate independently of the House of Lords; or, reversing the case, if the House of Lords could, whenever they pleased to dissent from the House of Commons, legislate without its assent? And yet such were the powers which they proposed to give to the Governor and Council, who, in case they refused to give their assent to the measures of the House of Assembly, could then proceed to legislate themselves.

Mr. *Sheil* thought that the question between both parties reduced itself to this—was it necessary to do more than pass the second clause? What was admitted by the right hon. and learned Gentleman to whom the Opposition was intrusted by the party to which he belonged? That right hon. and learned Gentleman admitted that the second clause was indispensable—that some interposition with the House of Assembly was absolutely necessary. That, then, being conceded by the right hon. and learned Gentleman, let them see to what results that concession must lead. The right hon. and learned Gentleman, by admitting the necessity for the second clause, confessed, that interference on the part of the Imperial Parliament was indispensable. Then the right hon. and learned Gentleman said, that old laws must be revived, and he had also condemned the conduct of the House of Assembly. In commenting upon that conduct, he had pronounced an unequivocal censure. Now, if the second clause were necessary, it was worth while to ask if the first clause were not equally necessary? The case made out was, that old laws must be revived, but that new laws were not necessary. How was that point to be decided by the House? They had, to be sure, heard the opinion of the hon. and learned Gentleman. That opinion must be entitled to the greatest respect, if it were pronounced from the bench. Such was not the case, for the right hon. and learned Gentleman appeared there in his ultra-forensic capacity. When the right hon. and learned Gentleman did not appear as a judge, but when he appeared as a partisan, he was not disposed to attach that importance to the right hon. and learned Gentleman's opinion on matters, which in another and a better place, he should be disposed at once to give to them. He had marked, in one respect, the conduct of the right hon. and learned Gentleman, who began his speech at five o'clock by a denunciation of the Prisons Bill. When he heard the Prisons Bill denounced by the right hon. and learned Gentleman, he could not help asking himself what course the right hon. and learned Gentleman had taken upon the Prisons Bill. He had, indeed, that night said, that it infringed the rights of the Assembly, and that it was an invasion of the principles upon which the Colonial Assembly was founded. Did the right hon. and learned Gentleman oppose the Prisons Bill at the time that it was proposed? Was not, in fact, the bill passed without a comment in either House of Parliament? And yet that bill invaded the rights of the Colonial Legislature as much as the present proposition of the Government. When, then, they did not object to the Prisons Bill, what was the reason that they objected to a bill founded upon the same principle on which the Prisons Bill rested? But then the right hon. and learned Gentleman put the whole of the case upon the necessity for the second clause. He said, that it was indispensable to revive old laws that were on the point of expiration, because the colony required it. [Sir *Edward Sugden:* No.] The right hon. and learned Gentleman said no—but then, if he admitted that old laws must be revived, must not new laws be also necessary to meet a new state of things? The whole case hinged upon this—were new laws required? Then that was to be determined by appealing to the House of Assembly itself. That House had unequivocally declared that bills were required to determine between masters and servants, upon the subject of the Vagrant Act; and other matters, too, were referred to by them. Would the House permit him to read the words of the House of Assembly? They said,

> "We feel, in common with your Excellency, the emergency in which the country is placed by the expiration of the annual laws, and are well aware of the necessity which the present state of society imposes, that laws for the prevention of vagrancy, for the regulation of the relative duties of servants and masters, to determine the qualification of electors, to regulate the militia, and to prevent the occupation of lands, should be enacted."

Under these circumstances, then, the House must perceive that it would neglect its duty if it did not pass this bill, or some bill of the same kind.

On the question that the clause stand part of the bill,

The Committee divided:—Ayes 228; Noes 194: Majority 34.

List of the AYES.

Adam, Admiral
Aglionby, H. A.
Aglionby, Major
Ainsworth, P.
Alcock, T.
Alston, R.
Andover, Viscount
Archbold, R.
Attwood, T.
Baines, E.
Baring, F. T.
Barnard, E. G.
Barron, H. W.
Barry, G. S.
Beamish, F. B.
Bellew, R. M.
Berkeley, hon. H.
Berkeley, hon. G.
Bewes, T.
Blackett, C.
Blake, M. J.
Blake, W. J.
Blunt, Sir C.
Bodkin, J. J.
Bowes, J.
Brabazon, Sir W.
Bridgeman, H.
Briscoe, J. I.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Bryan, G.
Bulwer, Sir L.
Byng, G.
Byng, right hon. G. S.
Callaghan, D.
Campbell, Sir J.
Cave, R. O.
Cavendish, hon. C.
Cavendish, hon. G. H.
Cayley, E. S.
Chalmers, P.
Chapman, Sir M. L. C.
Chester, H.
Chetwynd, Major
Chichester, J. P. B.
Clay, W.
Clements, Viscount
Codrington, Admiral
Collier, J.
Collins, W.
Cowper, hon. W. F.
Craig, W. G.
Crawford, W.
Crompton, Sir S.
Curry, Mr. Sergeant
Dalmeny, Lord
Dashwood, G. H.
Davies, Colonel
D'Eyncourt, rt. hn. C.
Donkin, Sir R. S.
Duke, Sir J.
Dundas, C. W. D.
Dundas, F.
Dundas, hon. J. C.
Dundas, Sir R.
Elliott, hon. J. E.
Ellice, right hon. E.
Ellice, E.
Ellis, W.
Erle, W.
Euston, Earl of
Evans, G.
Evans, W.
Ewart, W.
Fazakerley, J. N.
Ferguson, Sir R. A.
Finch, F.
Fitzgibbon, hon. Col.
Fitzroy, Lord C.
Fleetwood, Sir P. H.
Fort, J.
French, F.
Gillon, W. D.
Gordon, R.
Grattan, H.
Grey, rt. hon. Sir C.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Guest, J. J.
Harland, W. C.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hayter, W. G.
Heathcoat, J.
Heathcote, G. J.
Hector, C. J.
Hill, Lord A. M. C.
Hobhouse, right hon. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Holland, R.
Horseman, E.
Hoskins, K.
Howard, F. J.
Howard, P. H.
Howick, Viscount
Humphery, J.
Hurst, R. H.
Hutt, W.
Hutton, R.
Ingham, R.
James, W.
Kinnaird, hon. A. F.
Labouchere, rt. hn. H.
Langdale, hon. C.
Lemon, Sir C.
Lister, E. C.
Loch, J.
Lushington, C.
Lushington, rt. hon. S.
Lynch, A. H.
Macaulay, T. B.
Macleod, R.
Macnamara, Major
McTaggart, J.
Marshall, W.
Marsland, H.
Martin, J.
Martin, T. B.
Maule, hon. F.
Melgund, Viscount
Mildmay, P. St. John

Moreton, hon. A. H.
Morpeth, Viscount
Morris, D.
Murray, A.
Muskett, G. A.
Nagle, Sir R.
Norreys, Sir D. J.
O'Callaghan, hon. C.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
O'Connor, Don
O'Ferrall, R. M.
Ord, W.
Paget, F.
Palmer, C. F.
Parker, J.
Parnell, rt. hn. Sir H.
Parrott, J.
Pechell, Captain
Pendarves, E. W. W.
Phillipps, Sir R.
Philips, M.
Phillips, G. R.
Pigot, D. R.
Pinney, W.
Power, J.
Pryme, G.
Redington, T. N.
Rice, E. R.
Rice, right hon. T. S.
Roche, F. B.
Roche, W.
Roche, Sir D.
Rolfe, Sir R. M.
Rundle, J.
Russell, Lord J.
Russell, Lord
Russell, Lord C.
Rutherford, rt. hn. A.
Salwey, Colonel
Sanford, E. A.
Scholefield, J.
Seale, Sir J. H.
Seymour, Lord
Sharpe, General
Sheil, R. L.
Slaney, R. A.
Smith, B.
Smith, G. R.
Smith, R. V.
Somerville, Sir W. M.
Speirs, A.
Spencer, hon. F.
Stanley, W. O.
Stansfield, W. R. C.
Staunton, Sir G. T.
Stock, Dr.
Strangways, hon. J.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Tancred, H. W.
Thomson, rt hn. C. P.
Thornely, T.
Tollemache, F. J.
Townley, R. G.
Troubridge, Sir E. T.
Vigors, N. A.
Villiers, hon. C. P.
Vivian, J. H.
Vivian, rt.hn. Sir R.H.
Wakley, T.
Walker, R.
Wallace, R.
Warburton, H.
Ward, H. G.
Westenra, hon. H. R.
White, A.
White, S.
Williams, W.
Williams, W. A.
Wilmot, Sir J. E.
Willshere, W.
Winnington, T. E.
Winnington, H. J.
Wood, C.
Wood, G. W.
Worsley, Lord
Wrightson, W. B.
Wyse T.
Yates, J. A.

TELLERS.

Stanley, E. J.
Steuart, R,

List of the NOES.

Acland, T. D.
Adare, Viscount
Arbuthnot, hon. A.
Ashley, Lord
Bagge, W.
Bailey, J.
Bailey, J., jun.
Ballie, Colonel
Baker, E.
Baring, H. B.
Baring, hon. W. B.
Barneby, J.
Barrington, Viscount
Bateson, Sir R.
Bell, M.
Bethell, R.
Blackstone, W. S.
Blair, J.
Blakemore, R.
Blennerhasset, A.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Brownrigg, S.
Buck, L. W.
Buller, Sir J. Y.
Burroughes, H. N.
Calcraft, J. H.
Canning, rt. hn. Sir S.
Cantilupe, Viscount
Chapman, A.
Christopher, R. A.
Clive, hon. R. H.
Codrington, C. W.
Cole, hon. A. H.
Cole, Viscount
Colquhoun, J. C.
Compton, H. C.
Coote, Sir C. H.
Corry, hon. H.
Courtenay, P.
Dalrymple, Sir A.
Damer, hon. D.
Darby, G.
Darlington, Earl of
Davenport, J.
De Horsey, S. H.
Dowdeswell, W.
Dugdale, W. S.
Duncombe, hon. W.
Duncombe, hon. A.
Du Pre, G.
Eastnor, Lord
Egerton, W. T.
Egerton, Sir P.
Ellis, J.
Estcourt, T.
Farrand, R.
Feilden, W.
Fellowes, E.
Fleming, J.
Foley, E. T.
Freshfield, J. W.
Gaskell, J. Milnes
Glynn, Sir S. R.
Goddard, A.
Godson, R.
Gordon, hon. Captain
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Grant, F. W.
Greene, T.
Grimsditch, T.
Grimston, Viscount
Grimston, hon. E. H.
Hale, R. B.
Halford, H.
Harcourt, G. S.
Hardinge, rt. hn. Sir H.
Hayes, Sir E.
Heneage, G. W.
Henniker, Lord
Hepburn, Sir T. B.
Herries, rt. hon. J. C.
Hill, Sir R.
Hillsborough, Earl
Hinde, J. H.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Holmes, hn. W. A'C.
Hope, hon. C.
Hope, H. T.
Hope, G. W.
Hotham, Lord
Hughes, W. B.
Hurt, F.
Irton, S.
Jackson, Mr. Sergeant
James, Sir W. C.
Jenkins, Sir R.
Jermyn, E.
Johnstone, H.
Jones, W.
Kemble, H.
Kilburn, Viscount
Knatchbull, right hon. Sir E.
Knight, H. G.
Knightley, Sir C.
Knox, hon. T.
Law, hon. C. E.
Lefroy, right hon. T.
Liddell, hon. H. T.
Lincoln, Earl of
Litton, E.
Lockhart, A. M.
Long, W.
Lowther, hon. Colonel
Lucas, E.
Lygon, hon. General
Mackenzie, T.
Mahon, Viscount
Marton, G.
Master, T. W. C.
Maunsell, T. P.
Meynell, Captain
Miles, W.
Miles, P. W. S.
Miller, W. H.
Mordaunt, Sir J.
Neeld, J.
Neeld, J.
Nicholl, J.
Norreys, Lord
Owen, Sir J.
Pack, C. W.
Pakington, J. S.
Palmer, G.
Parker, R. T.
Peel, rt. hon. Sir R.
Peel, J.
Pemberton, T.
Pigot, R.
Planta, right hon. J.
Plumptre, J. P.
Polhill, F.
Pollen, Sir J. W.
Pollock, Sir F.
Powell, Colonel
Praed, W. T.
Pringle, A.
Pusey, P.
Rae, rt. hon. Sir W.
Richards, R.
Rickford, W.
Rolleston, L.
Round, C. G.
Round, J.
Rushbrooke, Colonel
Sandon, Viscount
Scarlett, hon. J. Y.
Shaw, right hon. F.
Sheppard, T.
Shirley, E. J.
Sibthorp, Colonel
Sinclair, Sir G.
Smith, A,

Smyth, Sir G. H.
Somerset, Lord G.
Spry, Sir S. T.
Stanley, E.
Stanley, Lord
Stewart, J.
Stormont, Viscount
Sturt, H. C.
Teignmouth, Lord
Tennent, J. E.
Thomas, Colonel H.
Thornhill, G.
Trench, Sir F.
Vere, Sir C. B.
Vernon, G. H.
Villiers, Lord
Vivian, J. E.
Waddington, H. S.
Walsh, Sir J.
Whitmore, T. C.
Wodehouse, E.
Wood, Colonel
Wood, T.
Wyndham, W.
Wynn, right hon. C.
Wynn, Sir W. W.
Young, Sir W.

TELLERS.

Fremantle, Sir T.
Clerk, Sir G.

Pairs.

FOR.	AGAINST.
Wood, Sir M.	Lowther, Lord
Busfeild, W.	Alsager, Captain
Verney, Sir H.	A'Court, Captain
Wilde, Sergeant	Filmer, Sir E.
Berkeley, hon. C.	Gore, B. O.
Scrope, G. P.	Powerscourt, Viscount
Pattison, J.	Farnham, E. B.
Dennistoun, J.	Houstoun, G.
Heneage, E.	Yorke, hon. E. T.
Villiers, C.	Henniker, Lord
Talfourd, Sergeant	Kelly, F.
Standish, C.	Castlereagh, Viscount
Stanley, M.	Bentinck, Lord G.
Denison, W. J.	Eaton, R. J.
Seale, Sir J.	Ashley, hon. A.
Leveson, Lord	Bagot, hon. W.
Shelburne, Earl of	Bruce, Lord E.
Ponsonby, hon. J.	Herbert, hon. S.
Handley, H.	Tyrrell, Sir J. T.
Ponsonby, C. F. A. C.	Perceval, hon. G. J.
Rich, H.	Palmer, R.

The remaining clauses of the bill agreed to.

The House resumed.

METROPOLIS POLICE.] The House in Committee of the whole House on the Metropolis Police Bill.

Mr. *F. Maule* said, that the first ten clauses of the bill had reference entirely to that body of the police who were under the control, not of the Metropolitan Police Commissioners, but of the body who had the controling power of the police of the City of London. That part of the measure having been considered by a Committee of the House, he was happy to say, that the Members forming that Committee, although of all shades of politics, had come almost to an unanimous decision in favour of the opinion which had been strongly expressed, that the control over the police in the City of London, ought to be left in the hands of those who now exercised that power. They were convinced, that a good and efficient police would be kept up under their superintendence. He should therefore now move, that with the exception of the enacting words of the first clause, the clauses from one to ten inclusive be struck out.

Colonel *Wood* begged to remind the noble Lord, that the constables of Westminster at present derived a great part of their powers under the 42nd of George 3rd. Now, as this bill would altogether annihilate that species of force, he would suggest that a clause should be introduced to empower the police constables to do all those acts which the Westminster constables were required to do.

Lord *John Russell* would take care that the subject should be inquired into.

Clauses struck out.

Other clauses agreed to.

On clause 21 having been proposed, the House resumed; the Committee to sit again.

HOUSE OF LORDS,

Tuesday, June 11, 1839.

MINUTES.] Bills. Read a first time:—Promotion of Education; Clerks of the Peace.

Petitions presented. By the Marquesses of Bristol, and Breadalbane, the Earls of Lovelace, Stanhope, and Camperdown, and Lord Portman, from a number of places, for a Uniform Penny Postage.—By the Bishop of Exeter, from places in the county of Durham, against the Government Plan of National Education.—By the Marquess of Breadalbane, from the counties of Argyle, and Forfar, for Church Extension in Scotland.—By Lord Wrottesley, from a place in Suffolk, against the carrying on of any Business on the Sabbath.—By the Earl of Lovelace, from the Keepers of Beer Houses at Liverpool, for equal Rights and Laws with the Licensed Victuallers.

MINISTERIAL CIRCULAR—ARMING THE PEOPLE.] The Duke of *Beaufort* wished to receive some information with regard to a circular letter that had been lately addressed by the Secretary of State for the Home Department to the Lords-lieutenant of certain counties, on the subject of allowing individuals to arm for the protection of property. It appeared to him that the meaning of that letter was very imperfectly understood in the country, and that some explanation with reference to it was necessary. Their Lordships were probably aware that a communication had been made by a body denominating themselves "the Salford Radical Association" to the Lord-lieutenant of the county of Lancaster, calling on him to supply them with 1,200 stand of arms, in consequence of the circular to which he had alluded. An application of the same nature had also been made from Bath, which communication he should read to their Lordships. The noble Duke read the communication, which, in effect, stated, that "certain householders of Bath, having volunteered their services for the protection of life and property, requested to be supplied with arms." He had himself received several applications from persons who wished to arm in this manner; but he had advised them not, because, in his opinion, nothing could be worse than for bodies of men to enrol and to arm themselves in this manner, without being placed under any regular military control. Such associations were, he was convinced, calculated to do more mischief than good. He had no doubt that it never was the intention of Government to encourage assemblies of this kind; but it would seem, from these applications, that the intention of Government was misunderstood. These sort of meetings of individuals for the protection of life and property might become very dangerous, unless they were placed under efficient military control.

Viscount *Melbourne* entirely agreed in the general principle laid down by the noble Duke—that it was not proper or expedient for any body of men to assemble and arm themselves unless under the control of some person bearing her Majesty's commission. That principle could not, however, be applied to all cases. It might be necessary, on some particular occasions, when great danger was apprehended, to depart from the strict principle. With respect to the case referred to by the noble Duke, his (Lord Melbourne's) noble Friend, the Secretary for the Home Department, in consequence of the menacing appearance which many parts of the country had assumed, had deemed it necessary to transmit a circular to the Lords-lieutenant of certain counties where the danger seemed to be most threatening, and where the greatest apprehension prevailed. In that circular the Lords-lieutenant were allowed, on their responsibility, to accept the services of any body of men who they might think proper to be employed for the preservation of the public peace, and who they conceived might be intrusted with arms. Reliance was placed on their prudence in ascertaining the respectability and general good conduct of those who might be so employed. To that extent only the circular of his noble Friend proceeded. He trusted that it would not be necessary to act on it to a greater extent than it had already been acted on, and that it would not be drawn into precedent beyond the immediate occasion.

The Duke of *Wellington* was not one of those Lords-lieutenant to whom the circular in question had been addressed, but he should be glad to see it, as well as any instructions which might have been issued at the same time in order to render it efficient. Two or three things struck him on this subject, on which he wished to ask a question. He requested to know whether the noble Viscount, in what he had stated, had or had not adverted to the powers given to magistrates by certain acts of the late King's reign, empowering them to swear in special constables — whether that was the class of persons whom it was the intention of the Government to arm under the instructions given by the Secretary of State? If that were the case he could understand it. He should now state another question which he wished to ask. He understood, that under the act for regulating corporations, which was passed in 1835, and was much discussed in that House, powers were given to those corporations to form a police, they were enabled to raise funds to maintain that police, and the acts to which he referred also empowered them, if necessary, to raise a body of men to keep watch and ward. Now, he wished to know whether these were the people intended to be armed, under the circular, as a constitutional safeguard? What had been stated to their Lordships just now showed the enormous power which was granted by this circular, and showed also how dangerously it might operate. Suppose, this year, the mayor of a town, holding particular opinions, allowed one portion of the inhabitants to arm, when he was turned out of office, in the following November, he might be succeeded by another mayor, holding the opinions of a different party, which party, in his turn, he would permit to bear arms; might not, in such a case, very serious consequences arise from such a system? The mayor of Bath might, for instance, arm one party this day, and, in the course of a few months, another mayor might arm another party of very different principles. This point, in his opinion, afforded matter for serious consideration. He conceived, that Government ought to let their Lordships know what instructions Lords-lieutenant were directed to give to magistrates for the purpose of carrying into effect the intentions of the Secretary of State.

Viscount *Melbourne* said, he had no objection to lay on the Table the circular and any papers connected with it. As to the question of the noble Duke, he had no hesitation in stating, that it was not the intention of the Government to employ the persons to whom he had alluded. They did not contemplate arming either the police or the constables. It was, however, in the power of the corporations and magistrates to employ them, if they thought proper.

The Duke of *Wellington* was aware that it was in the power of the corporations to arm the police. He begged leave, however, to say, that if they did so, they became responsible to the law for their act. But if bodies armed under this circular, that certainly would be a proceeding of a very peculiar nature, for which nobody at all would be responsible. As he had before observed, the Mayor of Bath this year might think proper to arm 1,000 men, and in the month of November a gentleman of another party having come into office, might arm 1,000 other persons of his party. Thus a very dangerous state of things might arise.

Lord *Ellenborough* said, he understood that two circulars had been issued; under one circular, arms might be supplied to persons for the protection of property; whilst, by the other, the magistrates were directed to prevent persons from assembling for the purpose of military exercise. Now, it happened, that under the first circular, certain persons procured arms, and proceeded to train themselves in their use; but those very parties who had taken arms under the first circular, were informed against under the second, were arrested, and were called on to find bail. So much for the uniformity of the sytem.

Lord *Portman* could assure his noble Friend that no disposition existed in Bath to take any improper advantage of the power granted by the circular. If any such disposition should appear, he could assure the noble Duke that the magistrates would speedily put an end to it.

SALE OF BEER.] The Beer Act in Part Repeal Bill was reported with amendments.

Lord *Brougham*, in consequence of the absence of his noble Friend (the Marquess of Salisbury), would postpone the third reading of the bill till Monday next.

Lord *Ellenborough* said, though he doubted the expediency of the House passing such a bill, still it was important to know whether it would really be pressed during the present Session. He confessed it was very unlikely that it would be postponed, still, as that seemed to be the order of the day with all important measures, such a thing might happen.

Lord *Brougham* said, there was not the slightest chance of the bill being postponed—not till the year 1842—but beyond next Monday. His object, when he introduced a measure, was for the purpose of carrying, and not postponing it. In this instance, he would not have postponed the bill till Monday, had not illness in the noble Marquess's family obliged him to be absent. He had no wish to postpone any measure brought forward by him to the Greek kalends, or what was now synonymous with them, the year 1842. His noble Friend had talked of capital invested in these beer shops, but the report of the constabulary commissioners, who had inquired into the facts, proved that many of these beer shops were kept by paupers, who scarcely possessed more furniture than a table, a chair, and a few broken jugs, in which they doled out their liquor. Though he was not friendly to frequent or long postponements, still as his bill did not compromise the good government of a whole province, he thought he might safely put it off till Monday.

The Marquess of *Westminster* contended that much property was embarked in these houses, and the bill would, therefore, injure many individuals.

Earl *Stanhope* impugned the correctness of the report to which the noble and learned Lord had alluded. The parties ought not to be condemned in their absence. They ought to be allowed to adduce evidence in support of their interests.

Lord *Brougham* would ask why, when the bill was referred to a Select Committee, did not the noble Earl attend and make his objection? Why did he not do so when it was before a Committee of the whole House? But no; now, on the third reading, the noble Earl wanted to have witnesses called, and evidence received. Why, if they sanctioned hearing evidence in that stage of a bill, they never could get through any business. He believed that the excitement of the noble Earl was not so much elicited by the report which he had attacked as by the name which was attached to it—the name of Lefevre, the name of the Speaker of the House of Commons.

Earl *Stanhope* said, that to assail the interests or the character of any class of their fellow-citizens without hearing them, was to commit the grossest injustice. That report, he would affirm, was not only false, but notoriously false.

Lord *Brougham* said, the noble Earl made a most serious charge against the Speaker of the House of Commons, and two other Gentlemen who had merely stated what they firmly and conscientiously believed with as much truth and sincerity as the noble Earl or any other noble Lord, could possibly feel.

Lord *Ellenborough* thought there was much valuable information contained in the report.

Earl *Stanhope* objected, not only to the matter of the Report, but also entirely against the recommendations contained in it. He was sure, also, that he was supported in that objection by the great mass of the people.

The Earl of *Radnor* said, the noble Earl had said that Gentlemen had put their names to a report which was notoriously false. It was impossible for the noble Earl to affirm that the statements of the report were notoriously false. He (the Earl of Radnor) should say that the statements which the noble Earl had said were notoriously false were notoriously true, so far as his experience went.

Earl *Stanhope* said, some isolated facts might be true, but as a general report, the inferences were notoriously false.

The Earl of *Falmouth* did not think their Lordships were inclined to pass a measure, which would inflict much injustice, without affording the parties the opportunity of opposing it. The publicans had been sacrificed by hundreds, because it was said the Beer Bill would be for the good of the country. He firmly believed that there never was a more pernicious Act of Parliament passed than the Sale of Beer Act. Much of the bad spirit which now prevailed in the country, had been begun in the beer-shops. Would their Lordships protract the alteration required, because the noble Earl (Stanhope) happened to think that a Select Committee was necessary? He hoped another Parliament would not be allowed to pass over without their finding a remedy for this monstrous grievance.

The Earl of *Malmesbury* was convinced that Colonel Rowan would not put his name to a Report, without being convinced of its truth.

Earl *Stanhope* was perfectly aware that the report was signed by Colonel Rowan amongst others. He had no doubt that certain facts stated in the report were true, but general inferences were deduced from particular facts, and he again averred that they were false.

The Marquess of *Lansdowne* said, his noble Friend, the Secretary for the Home Department, had made the best selection of persons he could to carry on the inquiry, and he (the Marquess of Lansdowne) did not think the noble Lord could have found three persons more fitted for the purpose, from their talents, acquaintance with facts, and unquestionable integrity. It was true, that these commissioners had had reference only to particular facts in drawing inferences as to generals, but those particular facts were collected from various parts of the country, from various classes, and referring to different periods of time. The individuals selected to make the report, had discharged their duty satisfactorily to the Government, and, he trusted, satisfactorily to Parliament.

Report received, and bill to be read a third time.

HOUSE OF COMMONS,

Tuesday, June 11, 1839.

PRINTING THE BIBLE.—SCOTLAND.] Sir *J. Graham* hoped that the noble Lord opposite would not consider him pertinacious or troublesome, if he again ventured to request some information from him on the subject of the expiration of the patent held by the Queen's printer in Scotland. On a former occasion, the noble Lord told him what the Government did not intend to do. The noble Lord stated, that it was not intended to renew the patent, or to give the exclusive power of printing the Bible in Scotland to any corporate body, which might derive a profit from that exclusive privilege, and avail themselves of it to enhance the price. The noble Lord said also, that at the same time measures would be taken which should insure the authenticity of all copies of the Bible hereafter to be printed in Scotland. If, in order to carry this object into effect, the noble Lord intended to proceed by a legislative measure, ample opportunity would be afforded for the discussion of its details; but he believed, that an opinion was entertained that precautionary measures might be taken, without the intervention of Parliament. If so, he hoped, as the people of Scotland regarded this question with much interest, that he might be excused for saying, that they would be glad if the noble Lord would give them an outline of those precautionary measures.

Lord *John Russell* said, that the right hon. Baronet had correctly stated what had passed on the former occasion. It was not intended to give to any individual, or to any corporation, the right of printing the Bible, or to grant any monopoly which would enhance the price. The right hon. Baronet was perfectly justified in asking what precautions were proposed on the part of the Crown, to prevent the chance of error. It was proposed to incorporate a limited number of persons—say five, to whom would be granted the exclusive right of printing and publishing the Bible. One of these was to be the Moderator of the Assembly of the Church of Scotland, two others were to be divines of the Church of Scotland, and two others were to be laymen, but members of the Church of Scotland; and if any larger number than five should constitute the board, it would still be constituted on the same principle. It was proposed, that this board should have the exclusive right of printing and publishing the Bible, upon condition of allowing the free importation of the authorised version of the Bible, printed by authority in England. Another condition was, that the board should have power to grant an *imprimatur* for Bibles to be published by certain publishers, but that such liberty should not be granted, unless the board appointed correctors of the press, or unless some person was appointed by the board to supervise the Bibles so printed, and see that the version was correct. With these limitations, it was proposed generally, that no preference should be given to particular publishers, but the publishers must, in addition, enter into an agreement, by bond, to pay any costs that might ensue from a failure in the performance of any one of the conditions, or the costs occasioned by any incorrect version which might be circulated in consequence of the *imprimatur* granted to them. In case of any pirating any former edition of the Bible, it would be competent to the board to proceed by injunction, and to prevent such unauthorized and fraudulent publications. The mode by which this plan was to be carried out was *jure coronæ* —it was to be done by the power possessed by the Crown, under which, by the well-known judgment of Lord Lyndhurst, the Crown might grant a right to persons to print the Bible, and under which it was competent to proceed by injunction, to prevent any fraudulent or unauthorised publication. The right hon. Baronet had also asked whether it was proposed to proceed by statute during the present Session. He (Lord John Russell) had consulted his right hon. and learned Friend, the Lord Advocate, and he had also taken the opinion of his hon. Friend the Attorney-general, and they were of opinion that it was not necessary to proceed by statute, but that the Crown had the authority requisite to insist on all the conditions necessary for the purpose. Therefore the right hon. Gentleman would understand, that it was not the intention of her Majesty's Government to propose any bill, as they were of opinion the present authority of the Crown was sufficient for the purpose. If, however, the right hon. Gentleman required it, he (Lord J. Russell) would furnish him, in writing, with a copy of the exact conditions which were proposed, that he might consult those who were interested in the subject. The intention was not to enhance the price of the Scriptures to the people of Scotland, but, at the same time, to secure the perfect accuracy of the text.

Sir *J. Graham* thanked the noble Lord for the candour and fairness with which he had made this statement. It would be irregular for him to express any opinion upon the merits of the plan, and he should therefore not do so. Nothing could be fairer than the noble Lord's proposition to give him, in writing, a detailed statement of the conditions under which the proposed privilege was to be conferred. He should be able to communicate this to the authorities in Scotland, and he would then let the noble Lord know, whether it was satisfactory to them.

Conversation dropped.

PRINTING PETITIONS.] Mr. *W. Williams* wished to call the attention of the House to the fact, that some days ago he presented a petition from Mr. Samuel Wells, a barrister, relative to the financial affairs of this country, which, upon his motion, was ordered to be printed, but that had not been done.

The *Speaker* suggested, that the hon. Member should renew his motion to have the petition printed.

Mr. *Williams* begged to move, that the petition be ordered to be printed forthwith.

Sir *G. Clerk* said, the hon. Member for Coventry had stated no reason why the petition should be printed, nor had he intimated that it was his intention to bring forward any motion founded upon the petition. He could not think, that it would be wise for the House to order petitions of this kind to be printed at the public expense. When grievances were complained of, the House was bound to give every facility to the printing of petitions, if motions were to be founded upon them; but it could not be proper for the House to order financial pamphlets to be printed at the expense of the public. This petition made suggestions relative to the management of the revenue, and complained of no grievance; he thought it would be highly improper for the House to sanction the printing of such a document. In his opinion, it ought to have been forwarded, not to the House, but to the right hon. Gentleman the Chancellor of the Exchequer.

Mr. *Williams* said, that when he presented the petition he had distinctly stated, that he would call the attention of the House to the statements which it contained on Tuesday next.

Lord *J. Russell* agreed with the hon. Baronet opposite, that there was a wide distinction to be made between petitions complaining of actual grievances and petitions presented merely for the purpose of giving publicity to the theories of private individuals. He thought it would be highly improper to order the publication of petitions which could only be considered as the speeches of individuals who, from not being Members of Parliament, were unable to state their views and opinions personally in that House. If the petition alluded to came under that description, it certainly would not be proper to order it to be printed at the public expense.

Mr. *Williams* contended, that it was not a speech, but a petition on a subject of the highest importance, and containing matter well deserving the attention of the House.

The *Speaker* said, that when the hon. Member for Coventry presented the petition he had given notice, that it was his intention, on a subsequent day, to call the attention of the House to the statements which it contained. The hon. Member had then moved, that the petition be printed, and to that motion the House at the time assented. The committee on petitions had, however, refused to order the printing of the petition, and the question now was, whether the order of the House should be discharged. The order having once been made, must be complied with, unless rescinded.

Sir *G. Clerk* would move that the order be now discharged.

Mr. *Williams* hoped the hon. Baronet would state some reason in justification of that motion. He believed, if the hon. Baronet would read the petition, he would find, that it related to matters worthy of the gravest consideration, and that it contained a statement of facts founded upon Acts of Parliament. If there was anything disrespectful to the House in the petition, or anything improper, he should be glad to have it pointed out. He knew Mr. Wells to be a most respectable person, who had devoted much of his time to the subject of finance, and, as he intended to call the attention of the House to the petition he had presented, he trusted the hon. Baronet would withdraw his motion.

Mr. *Wakley* believed, that the hon. Baronet opposite had no intention to read the petition himself, and that he was inclined to prevent every other person from reading it. He had no doubt that it contained matter worthy of the most serious consideration, for Mr. Wells had devoted much of his attention to the subject of finance. The House, too, had ordered the petition to be printed, and let hon. Members consider what the effect would be if its authority was to be set at defiance or its orders disregarded. In this case the House had ordered a petition to be printed, but here was a committee placing itself above the House, and refusing to allow the order to be complied with. In his opinion, hon. Members were not aware of the effect on the public mind of the manner in which petitions to that House were presented. The people were complaining, and justly, of the way in which their petitions were treated; and the restraints which were imposed upon hon. Members of that House, relative to the presentation of petitions, were rendering the other House of Parliament, instead of that House, the popular branch of the Legislature. The other House of Parliament was ever ready to attend to the complaints of the people, and to allow their petitions to be read and discussed, but in that House, hon. Members were not even allowed to read the petitions which were intrusted to them. If an hon. Member attempted to read a portion of a petition in that House, or to state at any length the complaints it contained, he was instantly assailed with groans, and a noise was raised, which absolutely prevented him from calmly directing his mind to the complaints of the petitioners. Was that fair to the public, or was it possible that such proceedings could have any other effect than that of lowering the House in the estimation of the country? If a Member said he would read any petition intrusted to him, he immediately found himself addressing empty benches — no one would listen to him. He hoped the resolutions of the House relative to petitions would be reconsidered and revised; for if they were not altered, so as to allow the complaints of the people to be fully stated, that House must fall into disrepute with the country, and the House of Lords become the popular assembly. How were petitions treated? They were laid on the Table, backed by Mr. Ley, and then sent into a room where they were never more heard of. Ay, they went before a committee, and that committee followed the example of Mr. Ley, few of them being printed, and nothing being done to make them public. In his opinion, every Member ought to be allowed to state fully the nature and object of the petitions which had been intrusted to him, and he hoped the day would come when petitions would be discussed also.

Colonel *Conolly* said, it was evident that the hon. Member for Finsbury was totally ignorant of the mode in which the Committee upon Petitions disposed of the petitions presented to that House. So far from obstructing the printing of petions, or interfering with the orders of the House, the Committee afforded every facility to the publication of the complaints of the people. He did not think it was fair to say that the Committee treated petitions slightly, for every one acquainted with the subject knew that the reverse was the case. From his own experience, he was bound to say that, in his opinion, the present system was the best, and if they were to discuss petitions, it would be impossible to transact the public business.

Mr. *Aglionby* said, the House had already ordered the printing of the petition, and he was, therefore, of opinion that the hon. Baronet by the rules of the House was bound to give notice before bringing forward a motion for discharging that order.

Sir *G. Clerk* had no objection to withdraw his motion for the present, and to give notice for a future day, if such was the wish of the House. He was perfectly sensible that if the attention of the House had been called to the petition at the time it was presented, it never would have been ordered to be printed. The reason why it had escaped the attention of the House was well known. Hon. Members could not fail to recollect the state of the House on Friday. Before hearing counsel on the Jamaica Bill the House was nearly empty, and the Members who were present were employed in conversation, as all the public business had, most strangely, been disposed of. It was at that time the petition had been presented, and the motion for printing had in consequence escaped the notice of the House. The votes of Friday, the House would observe, contained no order for the printing of the petition, for it was only stated, that it was ordered to lie on the table. It was not till the votes of Monday were published, that they found an order for printing the petition. He did not mean to say, that the petition contained anything improper, nor did he question in the very least the respectability of the petitioner; but he must again repeat, that the document was not of that character which entitled it to be printed at the public expense. When petitions were presented, complaining of grievances, the House was always ready to give its attention to the prayer of the petitioners, and when a motion was to be founded upon a petition, there was never any unwillingness to allow it to be printed. But if the House were to allow those who were unable to obtain such publicity for their opinions as they might wish—if they were to allow every theorist and speculator, whether in finance, medicine, or law, to forward pamphtets to that House in the shape of petitions, and if they were to order those pamphlets to be published at the public expense, they would, in his opinion, be doing great injustice to those who had signed the 8,600 petitions which had been presented during the Session, and who were legitimate petitioners, because they complained of grievances, and asked for redress. As he said before, the petition ought to have been forwarded to the Chancellor of the Exchequer, and as he now saw the right hon. Gentleman in his place, perhaps, he would have the goodness to state whether he was of opinion that the petition was of sufficient importance to be published at the public expense.

Mr. *Freshfield* would not allow what had fallen from the hon. Member for Finsbury relative to the Committee on Petitions to pass without notice. The hon. Member was far from being correct when he said that the petitions sent to the Committee were never afterwards heard of. The Committee had already presented to the House twenty-seven reports upon petitions, each of which was of considerable bulk.

Mr. *Yates* said, the Committee examined fully and with great care the petitions confided to them, and always ordered the publication of every petition which they considered important, or which they deemed it necessary that the House and the public should be made acquainted with.

The *Chancellor of the Exchequer* said, a copy of the petition had certainly been forwarded to him, and he ought, therefore, perhaps, to be the last person to raise any objection to its being printed. He could not, however, help saying, that if the House were once to sanction the printing of petitions complaining of no grievance, and only making suggestions, they would soon, in his opinion, have cause to regret such a proceeding. It was not merely the expense which he objected to, but such a course, if once adopted, would not fail seriously to obstruct the public business. He thought there could be no difficulty in postponing the motion; but if it was postponed, hon. Members would do well to consider the nature of the paper before voting for its being printed.

General *Johnson* understood that the order for printing the petition had been made on Friday, and he could not think that it was fair to move that the order be now discharged. Surely notice ought to have been given.

On the question that the order be discharged, the House divided—Ayes 81; Noes 23:—Majority 58.

Abuses under the Factory Act.] Lord *Ashley* wished to ask the hon. Member for Finsbury whether, as it was not likely there would be much chance of the attendance of the House affording him an opportunity of bringing forward his motion relating to the three Scotch witnesses examined in regard to the operation of the Factory Act, whose petition had been presented to the House, it was his intention to postpone it; and if so, whether he would bring it forward on a future day.

Mr. *Wakley* said, it certainly was his determination to bring forward the motion to which the noble Lord had referred, but he very much regretted that there was little chance of his doing so that night with the slightest chance of success. The hon. Member for Penryn had a motion on the paper which was likely to occupy several hours, and, more than that, he found that her Majesty's Government were determined to oppose him. It was, therefore, his intention to postpone his motion until that day three weeks, when he should certainly bring it forward, and press it to a division.

Mr. *F. Maule* could not allow this motion to be postponed without protesting against the course which the hon. Member for Finsbury had taken. The motion carried with it an attack upon a public servant, and he must say that putting it off from day to day—this being the second time it had been deferred—was most unfair, not only to that individual, but to those who had to defend his character, and who had a considerable quantity of other business, both in and out of the House, to attend to. He had come down to the House prepared to meet the motion of his hon. Friend, and he thought it rather hard that it should be put off in this way.

Mr. *Wakley* said, he had not before postponed his motion at all. He had fixed on a day for bringing it before the House, and he had lost no opportunity of doing so; but he now found that the Government were strongly opposed to it, and that they had "whipped" for it. He had no means of "whipping" in support of the motion. He could see very well what the state of the benches was at this moment, and he knew equally well what it would be when the time came for him to be called upon by the Chair.

He had made no attack on the character of Mr. Stuart; but if he had done so, he should not have acted worse than that individual had behaved towards three helpless men. He felt convinced that he should be able to prove that, when he had a proper opportunity of bringing the case before the House.

TURNPIKE TRUSTS.] Mr. *Mackinnon*, in moving for leave to bring in a Bill to alter and amend the laws regarding turnpike trusts, and to allow of unions of the same, said, he hoped to be able, by the statements he was about to make, to show that such a measure was necessary. He moved for leave to bring in this Bill in his capacity as Chairman of a Committee which had sat to consider the subject, and, although it was a dry one, the House would be convinced that it was an important one, when he reminded them that these trusts were at the present time in debt to the extent of 9,000,000*l.* sterling, and that they had no means of discharging the debt. On the contrary, it was increasing every day from various causes. One of the chief causes was, that those who managed the trusts, finding themselves unable to pay the interest of the debt, gave bonds for that interest, thus converting the interest into principal, and, in fact, increasing their debt at the rate of compound interest. Another cause was the establishment of railroads, of which there were now no fewer than six lines diverging from the Metropolis and extending into different parts of the country. It must also be recollected, that by the Act of George 3rd, cap. 123, any creditor of a trust had the power of taking possession of the tolls, and dividing the produce as he should think proper among the other creditors of the trust. It was impossible not to foresee the ruinous consequences which were likely to result from such a course. Another point of great moment in this question was the entire abolition of statute labour, by which these trusts had sustained a loss of not less than 200,000*l.* annually. A bill was brought in last Session to remedy that evil; but, though it passed through that House, it did not unfortunately get through the other House. But he confessed that there would be considerable difficulty in suggesting any remedy for the distressed state of the tolls. His hon. Friend the Under Secretary of State had brought in a bill, in which he made an attempt to consolidate all the turnpike trusts into one, and to have them managed solely by a Board in London. Although the hon. Gentleman was supported by the whole of the interest of the Government, such was the opposition he met with that he was unable to carry his measure. He believed the chief cause of the opposition to that bill was the system of centralization which he adopted. The country gentlemen of England felt averse to any plan of that kind, and they thought the power of superintendence and management should remain in their hands. Another cause was the arrangement which the hon. Gentleman made, that trusts of every description should be consolidated together; and that, he (Mr. Mackinnon) thought, was the great error of his bill. Moreover, he gave the commissioners to be appointed to carry out the measure, sitting in London, power to unite wealthy trusts with poor ones, and thus saddle them with debts which others ought to pay. Another objection to the plan of the hon. Gentleman was, that he left all the machinery of the old trusts without any means of subsistence; the solicitors, secretaries, clerks, and others employed by the old trusts were left wholly unprovided for, and they of course raised such a clatter throughout the country, and made such strong appeals to hon. Members representing places in their respective localities, that his hon. Friend was at last compelled to throw up the bill altogether. Now, the Committee had endeavoured to meet all these objections: they proposed that there should be unions, not a consolidation of turnpike trusts; and that those unions should be under the superintendence, not of a board in London, but of persons selected by the trustees, who were to have the whole management of the same. Still it would be impossible to carry this plan into effect without allowing the Government to have a central board, but not with such powers as were contemplated by the former bill; because without some such central authority the other board could not be made to act in a satisfactory manner. The bill he wished to bring in would also have for its object the catching of the traffic which now ran to the railways by by-roads and cross-roads. The traffic on all the cross and by-roads which led to the *termini* of railways had very much increased, and his object was to give these trusts a power to transfer the toll-gates to those cross and bye roads; in fact, to use a simile which the hon. Member for Finsbury would understand, to make the veins of traffic arteries, and the arteries veins. He was the last man who would wish to stand forward on a question of this importance, but as Chairman of the Committee which had sat upon this subject, he did not feel himself justified in withdrawing from the task until he had at least elicited from her Majesty's Government whether or not the Commission which had been appointed was likely to lead to legislation in this matter upon their authority. He should, therefore, now move for leave to bring in a bill for making Unions of Turnpike Trusts in England, and for consolidating the bonded debts of those trusts.

Mr. *F. Maule* did not rise to throw any difficulty in the way of the introduction of the bill. He felt that the hon. Gentleman opposite, as Chairman of the Committee, to which he had alluded, could not have taken any other course than that which he had pursued; but he feared that the hon. Member's Bill would, in the face of the commission which had been appointed, share the same fate as the bill formerly introduced. The bill he had introduced had a recommendation which the bill proposed by the hon. Member had not—namely, that under his bill the Government proposed to advance a considerable sum of money for the purpose of consolidating the debts due by turnpike trusts. At present it was impossible the Government could propose any such measure, and it was in order to get some more grave authority than the report of a committee, an authority on which the country gentlemen could place reliance, that the Government had been induced to issue a commission, consisting of the Duke of Richmond, the Marquess of Salisbury, Lord Hatherton, and Lord Eliot, to inquire into the best mode of treating this subject. It was a subject which might not, perhaps, interest many persons in that House, but in it the poorer classes were deeply concerned, because many individuals who had lent their "little all" on the security of turnpike trusts, the best security on which to advance money at the time of lending, were now absolutely in despair as to the probability of recovering one farthing of their money. That this state of things ought to be remedied, nobody could deny. He thought the efforts of the hon. Member most praiseworthy, and he was ready to consider and give him every assistance in aid of his measure, but at the same time he must say that at this period of the Session it would be impossible successfully to legislate. Next year the commission which had been appointed would, he thought, present such a report as that the Government might found upon it a measure which would then be fairly and fully considered by Parliament.

Colonel *Wood* thought the House was indebted to his hon. Friend, the Member for Lymington for having elicited the statement just made by the hon. Under Secretary. He rejoiced that the Government had issued this commission, because he was of opinion that unless Government took up the matter, the difficulties that surrounded it would never be got rid of. He saw no way out of those difficulties except by the Government taking the whole tolls, paying the debts of the trusts, and establishing one uniform rate of toll throughout the country.

Leave given to bring in the bill.

COURT OF EXCHEQUER.] Mr. *Freshfield* rose to move, pursuant to his notice, for a "Return of the number of days the Court of Exchequer, as a Court of Equity, sat for the despatch of business for ten years, ending 1838 inclusive, showing the number of days the Court sat in each term and at the sittings after each term," and was proceeding to state to the House the grounds of the motion, when the House was counted out.

HOUSE OF COMMONS,

Wednesday, June 12, 1839.

MINUTES.] Bills. Read a first time:—Registration (Court of Appeal).—Read a third time:—Bishops Residences.

Petitions presented. By Lords Jermyn, G. Lennox, Ingestrie, G. Somerset, Mahon, Ashley, Powerscourt, Stanley, C. Manners, Elliot, Sirs C. Dundas, T. Freemantle, E. Sugden, C. Burrell, C. Broke Vere, P. Egerton, J. Y. Buller, E. Wilmot, E. Filmer, C. Grey, W. James, A. Dalrymple, Captain Alsager, Sergeant Jackson, Major Wood, General Lygon, Colonel Sibthorpe, Alderman Copeland, Messrs. Pakington, Hurst, A'Court, Holmes, Boroughs, Fleming, E. Vivian, Wodehouse, W. Baring, Halford, Dugdale, Bell, Plumptre, Hughes, Hogg, Sanford, G. Knight, Grimstone, W. Patten, Goulburn, Hodges, Maunsell, Herries, Foley, Greene, and Ormsby Gore, from an Immense number of places, against the Ministerial plan of National Education.—By Sir Charles Dundas, Sir Charles Style, Messrs. Lushington, Easthope, Howard, Ward, Philpots, Wyse, Baines, and Erle, from a number of places, in favour of the Ministerial plan for National Education.—By Messrs. Wallace, Howard, Hutt, Chalmers, Alcock, Cresswell, Litton, W. Miles, Hawes, Hogg, Sanford, Hughes, Easthope, Halford, Sirs W. Mordaunt, C. Grey, J. Y. Buller, Lords Elliot, Sandon, and General Sharpe, from a great number of places, for a Uniform Penny Postage.—By Mr. Elliot, from Roxburgh, against Granting any Monopoly for Printing the Scriptures.—By Sir F. Trench, from Scarborough, against any further Grant to Maynooth College.—By Mr. W. Miles, from some place, for Church Extension in Canada.—By Mr. Plumptre, from Margate, against the Delivery of Letters on the Sabbath.—By the Lord-Advocate, from Edinburgh, for Church Extension in Edinburgh.—By Mr. Sheppard, from one place, against Sunday Trading.

RATING OF TENEMENTS.] On the Order of the Day for going into Committee on the Rating of Tenements Bill,

Mr. *J. Jervis* stated, that his objections, and those of his constituents, to the present measure were so strong, that he felt bound to move, as an amendment, that the bill be committed that day six months. The main principle of the bill was, not that the rates of all houses were to be paid by the landlords—not that any general laws should be applied to that species of property—but that the law be directed against one class of persons occupying houses under the value of nine pounds per annum; and that the rates in those cases should be paid by the landlords, in three classes. First, when the rent was paid from year to year; second, where there was a less interest than one year; and, thirdly, where there was a greater interest than one year. It was further provided, that where the tenement was unoccupied for any period less than three months, the landlord was liable for the rates during the period the house remained unoccupied. Now, that principle conflicted with many of the rights and franchises conferred by the Reform and Municipal Bills. By way, however, of giving its due preponderance to property, that most objectionable and obnoxious principle of plurality of voting was conferred. The provisions were extremely hard upon the holders and owners of such property. It should, he thought, be the policy of the country to encourage a spirit of independence among the labouring classes, but the present measure would have a directly contrary tendency. Had they known they would have been liable to pay those rates, they would not have invested money on such uncertain security. This Act, too, would have a retrospective operation, and consequently compensation to these persons would become necessary, which this bill offered them by authorising a reduction in their rates of fifty per cent. This would not satisfy persons thus situated, and besides was an injustice to the other rate-payers, and moreover offered no compensation to the occupiers, who would be equally aggrieved. This bill would have the effect of huddling together various families in one house, and deprive the labourer of that boast that every Englishman's house was his castle. There were many labourers who could not afford to pay 9*l.* a-year rent, and who, being excused from the rates, thus received relief without degradation; but now, the landlords would charge the rates in the rent, and more than the rates, to secure themselves against the uncertainty. No men of liberal principles could support a measure which went to disfranchise occupiers and to give to landlords the right of voting in place of the occupiers. It was attempted to obviate this by giving persons the power to demand being rated; but he thought it the duty of the House to compel every one having a right to the franchise to exercise that right, and not to leave it as a matter of volition, whether it should be exercised or not. These objections he considered to be conclusive against the bill. It had been said, that no place could come under the operation of this bill, unless two-thirds of the rate-payers consented. That might be a partial protection to some extent; but that seemed to him to make the measure more objectionable. Upon these grounds, he would move, that the bill should be taken into consideration that day six months.

Mr. *Gordon* said, that the course adopted by the learned Member for Chester, and others in this Parliament, convinced him that all attempts to conciliate your friends was a most fruitless thing. An hon. Friend behind him had said, he did not care for Parliament, and that Mr. Scrope's Act should never come into operation in Merthyr Tidvil. Under the present system, if a man had five acres of land, and covered it with small cottages, he paid no poor-rates; but if he built only a barn on the land, and employed the land for the purposes of agriculture, he had to pay the poor-rate. This, he conceived, to be most unjust; and the present bill would go far to remedy this evil. But his hon. Friend, the Member for Chester, had endeavoured to excite the feelings of the House by saying, that this bill would operate harshly on the poor. He begged to say, that the bill was in favour of the poor; and it was on that ground that he supported it. He hoped the House would allow the bill to go into Committee.

Mr. *G. Palmer* said, that three years ago cottages were of a very different description from what they were at present. Now they had up-stairs rooms, to which the health of poor people was mainly to be attributed. It was well known, that many of them paid no rent at all to their landlords, whose only chance of getting rid of such tenants was to allow them to go out at the end of the year without paying anything. If the landlords were compelled to pay the rates, cottage property would soon be destroyed altogether, and the poor would be the greatest sufferers.

Mr. *Williams* was not surprised, that the hon. Member for Windsor had failed in his attempt at conciliation when the principle of the bill was so wholly objectionable. It would affect materially the municipal franchise, for in corporate towns a large number of voters were rated to the poor under 9*l*., and the present bill would disfranchise them to a considerable extent. In the cottage there was generally seen cleanliness, comfort, and health, while in large houses, which were divided into a number of dwellings, there was generally seen the reverse, and if that bill passed, it would decidedly prevent persons from investing their money in a mode so desirable as cottage property. The plurality of voting was also a highly objectionable feature in the measure; and on these grounds he should support the amendment of the hon. Member for Chester.

Lord *Sandon* felt himself, although reluctantly, obliged to oppose the Bill. It would seriously affect the constituency of large towns, and tend to prevent the building of cottages. The comforts of the poor would be greatly diminished, if such a measure were to come into operation; they would be crowded into small and ill-built dwellings; and, in such a case, it would be impossible for them to give that attention to cleanliness which was necessary to insure their health and comfort. He should, therefore, vote against the bill.

Mr. *M. Phillips* supported the bill, but he begged to assure the House, that he did so from no feeling of private interest. When thousands of pounds were yearly laid out on the building of cottages, from which large profits were derived, he could not help thinking, that such property ought to be made to contribute to the poor-rates. The principle of the bill seemed to him to be fair and just; and, although he did not approve of some of its details, yet upon the whole it came so near to his views, that he should give the measure his most cordial support.

Mr. *Pryme* would oppose the bill, because it went to impose a house-tax on the poorer classes of the people.

Mr. *Briscoe* said, the present law was remarkable for its severity. Under the Poor-law Amendment Act, the rate was not remitted, as heretofore, by consent of the Overseers before the Magistrates in Petty Session, but it was necessary to have the consent of the Board of Guardians, as well as of the Magistrates, before those who were unable to pay poor-rates could be relieved. He felt it necessary to urge the House to take this question into serious consideration, because it was not one which affected the owners of cottages only, but the welfare of millions of the poorer classes of the community. The House was little aware of the wide-spreading dissatisfaction of the working classes, at the present time, at the working of Mr. Scrope's act. In a parish in which he had property, there had been an increase, under that act, of from 427 to 1,018 ratepayers, while rateable property had increased in the same ratio, the augmentation in the amount of rates being from 16,000*l*. to a sum exceeding 20,000*l*. Consequently, a very large number of day labourers, who earned not more than 10*s*. or 12*s*. per week, were called upon to pay poor-rates, they not having been rated before. A collector of poor-rates, in speaking of these poor people, had said to him, "If you had witnessed the distresses of the poorer classes which I have seen, your heart would bleed; I am often compelled to come out of their cottages, by the spectacles of misery I find there." There was, in fact, the greatest difficulty experienced in collecting the poor-rates. A most respectable clergyman of the Church of England told him, a short time ago, that the sacrament money which he gave to a poor widow, being only 2*s*., was immediately paid to save her little goods from being taken away by the collector of the poor-rate. He was quite at a loss to understand how this bill would prevent the building of such cottages as were suitable to poor men, or how it would injure the property; because the tenement which was free of this charge to the occupier, must, of course, be more desirable to him, and therefore would be more valuable to the owner.

Mr. *Slaney* thought, that as this bill had been repeatedly under the consideration of committees, and great pains had been taken to prepare it, it would be but fair to the promoters of the measure, that it should now be suffered to go into Committee. Would the House throw out the bill without affording an opportunity of showing what improvements had been made in it? By Mr. Scrope's act, all property was assessed to the poor-rate; and no person could be excused, except on the ground that he had been a recipient of relief out of the rate. Therefore, the rate was to be gathered from all persons not so excused—a regulation which necessarily included an immense number of poor persons, who, though not actually receiving or asking parochial relief, were totally unable, out of their small incomes, to pay poor-rates. Every possible means were resorted to, in order to exact the rate from them; they were summoned over and over again, and very frequently their little household furniture, comprising only bare necessaries, were sold, under distress, for them. He believed this bill would have the effect of bringing back a considerable portion of property that ought to be rated, while it would relieve many poor persons, and prevent them from becoming burdensome to their parishes. He thought the excitement and dissatisfaction existing among the lower classses, in relation to this subject, were a strong reason why the House ought to suffer this bill to pass, or, at least, to go into Committee, that it might be made an efficient and beneficial law.

Mr. *Scrope* said, that all that this act provided was, that if tenements were rated, they should be rated at their full value. It did not compel property to be charged which had not been previously rated. He thought this bill would have the effect of preventing a better class of dwellings being built for the occupation of the labouring classes, and that it would be injurious, in other respects, to the poor man; and, therefore, he should strenuously oppose it.

The House divided.

Ayes 70; Noes 94; Majority 24.

List of the AYES.

Alsager, Captain
Archbold, R.
Baines, E.
Barneby, J.
Barron, H. W.
Bethell, R.
Bramston, T. W.
Brodie, W. B.
Brotherton, J.
Buck, L. W.
Burroughes, H. N.
Busfield, W.
Chute, W. L. W.
Clive, hon. R. H.
Cowper, hon. W. F.
Darby, G.
Egerton, W. T.
Farnham, E. B.
Fleming, J.
Fremantle, Sir T.
Gaskell, J. Milnes
Hayter, W. G.
Heathcote, Sir W.
Henniker, Lord
Herbert, hon. S.
Hobhouse, T. B.
Hodges, T. L.
Hope, hon. C.
Hope, G. W.
Howick, Viscount
Ingham, R.
Jermyn, Earl
Knatchbull, Sir E.
Lascelles, hon. W. S.
Lynch, A. H.
Mackinnon, W. A.
Manners, Lord C. S.
Maunsell, T. P.
Miles, W.
Packe, C. W.
Philips, M.
Plumptre, J. P.
Rice, E. R.
Rice, right hon. T. S.
Rundle, J.
Rushbrooke, Colonel
Russell, Lord J.
Rutherfurd, rt. hon. A.
Sanford, E. A.
Slaney, R. A.
Smith, R. V.
Somerset, Lord G.
Somerville, Sir W. M.
Stanley, E. J.
Stanley, W. O.
Stuart, Lord J.
Stock, Dr.
Styles, Sir C.
Sugden, rt. hon. Sir E.
Thompson, Alderman
Townley, R. G.
Vere, Sir C. B.
Verney, Sir H.
Waddington, H. S.
White, A.
Williams, W.
Wodehouse, E.
Wood, C.
Worsley, Lord
Wrightson, W. B.

TELLERS.

Gordon, R.
Briscoe, J. I.

List of the NOES.

Aglionby, Major
Ainsworth, P.
Attwood, T.
Bailey, J.
Barnard, E. G.
Barrington, Viscount
Bell, M.
Bewes, T.
Blackett, C.
Bowes, J.
Buller, C.
Burrell, Sir C.
Cayley, E. S.
Christopher, R. A.
Collier, J.
Collins, W.
Douglas, Sir C. E.
Duffield, T.
Duke, Sir J.
Duncombe, T.
Dundas, C. W. D.
Egerton, Sir P.
Ellice, E.
Ewart, W.
Fazakerley, J. N.
Fielden, J.
Finch, F.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Grimsditch, T.
Guest, Sir J.
Hastie, A.
Hawes, B.
Heathcoat, J.
Hector, C. J.
Hinde, J. H.
Hodgson, R.
Hope, H. T.
Howard, P. H.
Hughes, W. B.
Hutt, W.
Hutton, R.
Langdale, hon. C.
Leader, J. T.
Lincoln, Earl of
Litton, E.
Lowther, hon. Colonel
Lowther, J. H.
Lygon, hon. General
Mackenzie, T.
Macleod, R.
Marsland, H.
Martin, J.
Molesworth, Sir W.
Moreton, hon. A. H.
Muskett, G. A.
Norreys, Lord
Pakington, J. S.

Palmer, C. F.
Palmer, R.
Palmer, G.
Parker, R. T.
Patten, J. W.
Pattison, J.
Pechell, Captain
Richards, R.
Roche, W.
Roche, Sir D.
Salwey, Colonel
Sandon, Viscount
Scarlett, hon. J. Y.
Scholefield, J.
Scrope, G. P.
Seale, Sir J. H.
Sheppard, T.
Smith, A.
Stanley, Lord
Stansfield, W. R. C.
Stewart, J.
Strickland, Sir G.
Strutt, E.
Talfourd, Sergeant
Thornely, T.
Turner, W.
Vigors, N. A.
Villiers, hon. C. P.
Wakley, T.
Walker, R.
Ward, H. G.
Williams, W.
Wilmot, Sir J. E.
Winnington, T. E.
Winnington, H. J.
Wood, Colonel, T.

TELLERS.

Jervis, J.
Pryme, G.

Bill thrown out.

CUSTODY OF INFANTS.] On the motion of Mr. Sergeant Talfourd, the House resolved itself into Committee on the Custody of Infants' Bill.

On Clause 2, enacting that provision may be made for the access of the mother to any infant, on the return of a writ of *habeas corpus* having been read,

Sir *E. Sugden* said, that pursuant to the notice he had given, he rose to move, that this and the following clauses be expunged. Having, on former occasions, dwelt on the merits of this bill at some length, there were doubtless but few Members in the House who were not aware of the respective grounds which were taken by his hon. and learned friend in reference to this subject; it would be therefore unnecessary for him to occupy the time of the House more than would be required to go over the main points of the question. The other clauses, in point of fact, although the same in substance, were different in form to the former bill. The first clause which he opposed provided,

"Whenever any court, or judge should, upon the return of a writ of *habeas corpus*, issued at the instance of the father of any infant or infants, order such infant or infants to be delivered to such father by the mother, it should be lawful for such court or judge to provide by such order for the access of the mother to such infants."

And the next clause said, that

"The Lord Chancellor, the Master of the Rolls, and the Vice-Chancellor in England, or the Lord Chancellor and the Master of the Rolls in Ireland, respectively, might, upon hearing the petition of the mother of any infant, being in the sole custody and control of the father thereof, or of any person by his authority, if he should see fit, make order for the access of the petitioner to such infant, and if such infant should be within the age of seven years, to make order that such infant should be delivered to and remain in the custody of the petitioner until attaining such age."

Now, the objection he had to these clauses rested upon principle. He believed the operation of this bill, if passed in its present shape, would be to reduce the obligations of marriage, and would thereby prove detrimental to the best interests of married women and their offspring. The committee, upon reflection, must agree with him in the opinion, that if facilities were given to separations, as would be the result of this bill, those separations must ultimately lead to divorces, with all their attendant evils. Though there were some hardships in the existing law as to mothers, in this respect, still there was no country in the world in which married women had so complete a protection, as that afforded them by the general laws of this country, and he would have the committee be cautious, lest, while it pretended to take care of their interests, it did not relax the protection to which they were already entitled. Under the present law, parents, mothers especially, had a great inducement, from the natural love and affection they bore to their children, to put up with many petty trifling differences and annoyances which there were no means of remedying, because the marriage tie remained unbroken: the children formed the common link which bound the parties together. But this bill would lead to collision of interests between the father and mother, as regarded their children, and, in many cases, separations, followed by divorces, would ensue, simply because of the facilities afforded mothers of indulging their natural love, by access to their offspring. The law of England wisely was, that the right of the custody of the children was vested in the father, and that law was consonant with the laws of a higher authority: why, then, should the Legislature interfere? There might be, and he should not deny it, numerous cases in which that law operated with hardship upon mothers, but the Legislature was bound to look to the welfare of married women as a class, and not to have regard to individual cases. If a child were taken from the father for seven years, as proposed by the bill, who was to maintain and educate the child? The balance of mischief was against the provisions of the bill, and though the evils of the present system were to a certain extent pressing, still those evils would be better corrected by the tone and morals of society, than by any law that could be devised. If this bill passed, though it might afford relief in some cases, yet it would create difficulties a hundred-fold, from which families never could extricate themselves. With regard to the next clause, giving authority in these matters to courts of equity, he must say, it would be a great evil, for, with the pressure of business before those courts, this new jurisdiction would lead to a denial of justice to suitors in equity. He therefore hoped the committee would not support these clauses. The right hon. and learned Gentleman concluded by moving, that all the clauses, after the first, be omitted from the bill.

Mr. Sergeant *Talfourd* entirely approved of the course which had been adopted by the right hon. Gentleman, because he made his opposition one of principle not of detail. The law of England had hitherto interfered only on one side, but that was ever on the stronger. The law of Scotland gave to the Court of Session the power of giving the custody of infants to their mothers. But in England, when the Court of Chancery interfered, it was ever on the prayer of the father, but never on that of the mother. The right hon. and learned Gentleman said, that the judges of the land were opposed to the clause, but he (Mr. Sergeant Talfourd) did not believe it. All he asked was, that when the whole case was before the court, it should have the power of mitigating the lot of the mother, and of giving a qualified order that the mother might have access to her child.

Mr. *Langdale* thought the greatest misfortune that could befal any woman was to be separated from her husband. Indeed, so sensibly did women feel this, that it was with the most painful suffering they ever consented to such a step. It would, in his opinion, be a far better course, if the parties would suffer the first ebullition of disagreement to subside, and try, if, by degrees, they could not make their dispositions suit to each other. Opposed as he was to the principle of divorce altogether, he could not become a party to any legislative measure for separating man and wife. The greatest evil of all was the condition in which poor children were placed, who were innocent parties. The primary object of a bill of this sort ought to be the care of the children whom the parents were separated from. Now, the present bill did not make a proper provision of this nature. Seven years was not a sufficiently long time for the mother to have the care of her children, particularly if they were females. It would be much better to leave them with the father altogether, than place them under the mother's care for so short a time.

Mr. *Cowper* said, that he thought the power and control over the children ought to be in the hands of the judges of the land, rather than with the father, who might be the offending party.

The committee divided on the clause— Ayes 49; Noes 11: Majority 38.

List of the AYES.

Aglionby, H. A.
Aglionby, Major
Alsager, Capt.
Archbold, R.
Baines, E.
Baring, F. T.
Barnard, E. G.
Bewes, T.
Bodkin, J. J.
Bridgeman, H.
Buller, C.
Busfeild, W.
Cayley, E. S.
Collier, J.
Ellis, W.
Ewart, W.
Finch, F.
Gibson, T. N.
Grattan, H.
Hawes, B.
Hector, C. J.
Herbert, Hon. S.
Hobhouse, T. B.
Hughes, W. B.
Hutt, W.
Jervis, J.
Leader, J. T.
Lynch, A. H.
Mackenzie, T.
Macleod, R.
Marsland, H.
Molesworth, Sir W.
Morris, D.
O'Connell, M. J.
Palmer, C. F.
Pigot, D. R.
Pryme, G.
Rice, Right Hon. T. S.
Rolfe, Sir R. M.
Salwey, Colonel
Smith, R. V.
Stock, Dr.
Thorneley, T.
Vigors, N. A.
Villiers, Hon. C. P.
Wakley, T.
Williams, W.
Williams, W. A.
Winnington, H. J.

TELLERS.

Talfourd, Sergeant
Cowper, W. F.

List of the NOES.

Broadley, H.
Burr, H.
Christopher, R. A.
Coote, Sir C. H.
Dalrymple, Sir A.
Goulburn, Rt. Hon. H.
Hodgson, R.
Litton, E.
Hollock, Sir F.
Richards, R.
Warburton, H.

TELLERS.

Sugden, Sir E.
Langdale, Hon. C.

Clauses agreed to,—House resumed,—Report to be received.

ELECTORS' REMOVAL BILL.] On the order of the day being read for going into Committee on this bill,

Sir *A. Dalrymple* desired to know if

this Bill had the sanction of her Majesty's Government? and said, that his reason for asking the question was, that there were two principles in the Bill which were in direct opposition to the Reform Bill. The first principle was, that it legalised out-voters, which the Reform Bill intended to destroy; and the second principle was, that it gave to an individual the power of retaining his vote fifteen months after he had forfeited it by removal, namely, from the 1st of August to the November twelvemonth following.

The *Chancellor of the Exchequer* said, that the present bill did meet with the cordial sanction and hearty concurrence of her Majesty's Government in the general principles which it asserted, because it went to put an end to the many complicated and vexatious questions which arose so often at the hustings, and before committees of the House on the trial of election petitions. He did not see that the bill would at all have the bad effects which the hon. Baronet dreaded; but, on the contrary, he thought it would give increased effect to the Reform Bill.

The *Attorney-General* said, that, as this Bill embraced objects for which he had, for the last five years contended, he rejoiced to see it brought in, and hoped it would not meet with opposition in either House of Parliament.

Sir *F. Pollock* regretted the bill did not meet all objections, and equally regretted it did not apply to freeholders in counties as well as to borough voters. He did not object, however, to the principle of the measure.

The *Solicitor-General* said, that he did not care whether the provisions of this bill were extended to county voters or not, but he had always understood that the practical evils complained of as to voting were confined to the 10*l.* householders.

Mr. *V. Smith* said, the hon. Member for Ipswich had not embraced within its provisions the scot and lot voters, and hoped he would extend them to that class.

Mr. *Gibson* said, he had put the Bill into the best form he could.

House went into Committee.

The bill passed through a Committee, and the House resumed.

SUGAR DUTIES.] Upon the motion of the Chancellor of the Exchequer the House went into a Committee of Ways and means.

The *Chancellor of the Exchequer* moved a resolution for the continuance of the sugar duties, and said, that it was not the intention of her Majesty's Government to propose any alteration in those duties.

Mr. *Ewart* complained that there was to be no reduction in the sugar duties. He had hoped that some progress would have been made this year in the reduction of those duties, in compliance with the wishes and expectations of a large portion of the mercantile community. Considering how little had yet been done towards placing those duties on a proper footing, the subject called for the most serious attention of the House.

The *Chancellor of the Exchequer* must protest against the interpretation put by the hon. Member for Wigan upon what had been already done in the reduction of the sugar duties. He was old enough to recollect the proceedings in that House during the last twenty years, and unquestionably for sixteen years of that time there was not one subject more discussed or debated than the equalization of the duties upon East India and West India produce. He rejoiced that it had been in his power to propose an equalization of those duties, and though so long a matter of contest, it was now the settled law of the land. With respect to the bounty on the export of sugar, that also had been a matter of grave and serious consideration, and he had been enabled to introduce a measure which gave considerable relief on that subject. He, therefore, thought the hon. Member for Wigan had not fairly estimated what had been already done relative to the sugar duties.

Mr. *Mark Phillips* thought there was great danger that we should be driven out of foreign markets, unless there was assimilation of the duties on sugar with the sugar duties of foreign states. He would recommend alterations in these duties. He thought that the state of trade with the Brazils particularly called for some alteration, since at present it was hardly possible to obtain a return for cargoes shipped to that country.

Mr. *Ewart* said, that he should at a future day call the attention of the House to the expediency of relaxing the duties on East India sugar, and of admitting it to come into competition to a much greater extent than it did at present with West-

India sugar. He should, also, call the attention of the House to the propriety of introducing foreign sugars.

The *Chancellor of the Exchequer* had no hesitation in saying, that a reconsideration of the sugar duties might be entered upon advantageously to the state as a matter of revenue, and to the consumer in the price of sugar. But his hon. Friend must be quite aware of the difficulties which would attend the subject, arising, first, from the claims of the colonies of this country to a preference, on which he did not pronounce any opinion; and, in the second place, from the peculiar state of the Brazils, with respect to the slave-trade; because, when it was known that at the present moment the Brazils furnished a great market for slaves, and therefore gave encouragement to the slave trade, it behoved the House to pause before giving support to that trade by affording an additional market to the producer of slave labour.

Mr. *Thornley* thought it vain to expect that keeping up prohibitory duties on sugar could have any effect in putting down slavery. He thought it particularly absurd to use such an argument for excluding the produce of the Brazils, when this country was so largely dependent on the cotton and tobacco of the slave states of America. Resolution agreed to.

HOUSE OF LORDS,

Thursday, June 13, 1839.

Minutes.] Petitions presented. By the Duke of Richmond, Earls Mansfield, Radnor, and Roden, Lords Dacre, and Segrave, from a very great number of places, for a Uniform Penny Postage.—By the Earl of Roden, from several places, for the better Observance of the Sabbath.—By Lord Segrave, from Mile End, in favour of, and by the Bishop of Lincoln, from several places, against the Ministerial plan for National Education.—By the Bishop of Lincoln, and Lords Redesdale and Wynford, from several places, against the Church Discipline Bill.—By Lord Kinnaird, from Auchterarder, for the Total Repeal of the Corn-laws.—By the Duke of Richmond, from a place in Kent, for Protection to the Fruit Growers.—By the Duke of Hamilton, from Kilbride, against, and by the Earl of Galloway, from Port Patrick, in favour of, Church Extension in Scotland.

Canadian Prisoners.] Lord *Brougham* rose to present a petition from nine very unfortunate individuals, who had been subject to imprisonment for eighteen months, and who were in imminent danger of being transported to a penal colony. Some collateral matters respecting their case had come before the Courts of Queen's Bench and the Exchequer; hence it became more important, that he should call the attention of the House to their situation. He had never seen a more clear, lucid, and impressive statement of fact than was presented in their petition; therefore he did not think he could do better for the petitioners than to present that statement to the House. He had had correspondence with Mr. Parker, one of the petitioners, and had made it his business to make some inquiries respecting him. In the result he found, that Mr. Parker had been in a most respectable station of life, and was universally admitted to be an honest and upright man. As to the others, he had been assured they were generally respectable. They were committed to prison in Upper Canada towards the end of 1837, on a charge of high treason, which was before the treasonable outbreak took place in that colony, so that they could not have been parties to it. Mr. Parker's offence was that of having written a letter containing treasonable expressions. Some of the petitioners had surrendered from the terms of the proclamation, which offered a free pardon to all who should surrender, except to the six persons named in that proclamation. The Governor was not then in a situation to grant a pardon for treason, whereupon an act was passed in the province of Upper Canada, enabling the Executive to grant pardons to those who should confess their offence, and petition for the same, with such conditions as the Governor should think fit to annex to such pardons. The petitioners then stated this important fact—that when in prison, under duress of imprisonment, suffering great distress from the rigour of their confinement and the great severity of a northern winter, they were informed that an act had been passed—an act of which they knew nothing, except from the information afforded to them in their confinement—an act which they were led to suppose was an act to enable the Governor to pardon treason; but they positively averred and of that averment they challenged the contrary proof, if contrary proof could be produced—that they were not informed of the conditions which the said act enabled the Governor to connect with the act of pardon. They proceeded to state, that having been informed if they would confess the crime whereof they were charged they would receive an unconditional pardon, and be set at liberty, they were induced to petition the Governor for such pardon, but were totally uninformed of the penal consequences of such a step. It was to be observed here, that the suppression of important information on this point of fact was equal to the suppression of information in point of law. Listening to these garbled statements—lending an ear to the partial statements which were made to them in their close confinement—both equally false—the prisoners did petition the Governor, and did confess the offences for which they had been committed to gaol; but instead of receiving, as they had been led to suppose, a free pardon, they had been subjected to conditions of the most severe and arbitrary description—conditions against which they now protested—conditions to which they maintained no British subjects could properly be made amenable. And when was it that they were first informed of the conditions which were to be annexed to the pardon offered to them? Was it in Upper Canada? Was it in Quebec? Was it in the passage to England? Was it on the landing in Liverpool? Was it in London? Was it in Newgate? No. The first time that they heard anything of those conditions was when they were upon the floor of the Court of Queen's Bench. The consequence of those conditions was, that they were now threatened with transportation to one of the penal colonies of this country. This was the leading feature and outline of their case. The petitioners proceeded to state, that they had never been arraigned—never tried—never convicted—never sentenced, and, indeed, it was admitted by the Attorney-general, in the Court of Queen's Bench, that they could not be regarded as convicts. That admission on the part of the Attorney-general ran through the whole argument which had taken place upon the subject, both in the Court of Queen's Bench and in the Exchequer. The noble and learned Lord then proceeded to read the petition at length. It set forth the whole case of the petitioners from their first commitment to prison in Upper Canada to the final adjudication of their cases in the Courts of Westminster Hall. It asserted, that this was the first case in modern times in which the Government of this country had taken advantage of a voluntary confession—a confession void in law, in consequence of having been obtained under false representations, and under the duress of confinement—to entail ulterior punishment upon prisoners; and it finally prayed, that their Lordships would take into consideration the defects of the law as regarded the return of writs of Habeas Corpus, with the view of affording a more adequate remedy to persons whom it was the clear and almost avowed object of the Government forcibly to remove from this country without having been arraigned, without having been tried, and without the order or sanction of any court of law. The noble and learned Lord proceeded to state, that he could answer for the accuracy of the statements contained in the petition as far as they related to matters upon documents, for he had bestowed much attention upon the subject. The circumstances under which the confession was obtained—the duress of imprisonment under which it was extorted—the misrepresentations by which the prisoners were betrayed—these were facts which the petitioners prayed might be inquired into, and the contrary proof of which they boldly and fearlessly challenged. He was released, and so were the petitioners, of all necessity of asking that any further declaratory act should be passed to explain the meaning and construction of the Act of Habeas Corpus, by the unanimous and immediate decision promptly given by the Court of Queen's Bench; when, to the astonishment, be believed, of the whole profession—he would venture to say, to the astonishment of the court itself, and he would add, to the surprise of every person out of the court, an attempt was made by the law officers of the Crown, for the first time since the passing of the Act in the reign of Charles the 2nd, to throw a gloss upon the motive and construction of the Act of Habeas Corpus — a gloss which, if once admitted, would go at once to tear up by the roots the liberty of the subject in every part of the British dominions. He was still more astonished when he bore in mind that now, in the nineteenth century—after all the judges, for a century and a half, (whether sitting singly at chambers, or distributing justice at *Nisi Prius*, or presiding over the law more solemnly in *Banco*) had uniformly sustained this Act—after all the text lawyers, the civil and criminal lawyers, and the writers on the Constitution and liberties of England had countenanced it by their authority, nay, had panegyrised it, and taken it as the glory of our name and nation, that our possession of liberty had proceeded from the rights which we enjoyed under the Habeas Corpus Act—it should be attempted by the Attorney-general of a Whig Government to tear up by the roots, or at least by one of the roots (the top root, if he might so say—that by which liberty sunk into the soil of England, and which supplied the shade under which it flourished), the inalienable rights of a British subject. That attempt met with the fate which it so well deserved. The Attorney-general was heard; (for there was no proposition so monstrous, that could be made—no doctrine so tyrannical that could be broached—no point of law, so utterly in the face of all law, that could be attempted to be raised—that the judges were not doomed to hear argued and bound to listen to). But the court never was guilty of the gross absurdity—when they heard this doctrine, this new-fangled despotic doctrine ventilated for the first time in the year 1839—of calling on the counsel for the prisoners to answer that argument. The court at once, without a moment's delay—without the adjournment of a quarter of an hour to look into the statutes, much less to look into their books—on the shewing of the Crown counsel themselves, unanimously rejected the Crown counsel's gloss on the law, decreed that the law should stand as it had hitherto stood, and all with one voice resolved that there was not a shadow of foundation for this new, unheard-of, tyrannical, and monstrous interpretation. Therefore, these prisoners did not, happily, find it necessary to call on their Lordships to declare, that the Act of Habeas Corpus, hitherto deemed the bulwark of our personal liberties, was no longer waste paper, for such it would have been if that gloss were allowed to be put upon it. The Court of Queen's Bench saved their Lordships, he might say, from the ignominious and humiliating duty of announcing, at the end of a century and a half after the Act passed, that a statute of the time of Charles the 2nd, for securing the liberty of the subject, was not available in the present reign to secure and keep entire that personal liberty. Undoubtedly he had laid before them a case well deserving the consideration, he was going to say of Parliament, but, at all events, of the Government; and he hoped the latter would think well before they listened to a construction on other Acts of Parliament coming from the same quarter as that by which the doctrine was broached, which met with such a signal discomfiture in the Queen's Bench, before whom theAttorney-general had the confidence, the boldness (he would use no stronger terms) to put forward the opinion to which he had alluded. He would have his noble Friends well consider, before they allowed a construction to be made, unsanctioned by a shadow of authority on the part of the court—all the authority of the court, if it went in any direction, going the other way. It was, then, on the opinion of the Crown lawyers, and chiefly on the opinion of the common-law Crown lawyer—(because the Chancery lawyer had little to do with the matter)—on the opinion, in fact, of the Attorney-general—the discomfited inventor of a doctrine that would overturn the *Habeas Corpus;* he against whom the Court of Queen's Bench gave an unanimous, instant, not to say somewhat indignant, judgment—on his authority it was, if at all, that they were now about to decide that they were in law entitled to transport these nine prisoners. He would, therefore, have his noble Friends think, not twice, but many times, before they adopted such a construction of the law. He had said, that they would find no judicial authority in favour of it. He had reason to believe that they would get none. He had reason to think that they would get an opinion to the contrary from that quarter, if they had any means of ascertaining it. He had reason to suspect, that if the Court of Exchequer had been pressed to decide on the case (for they could not do so voluntarily, and it would have been irregular to force them to an opinion in the way in which the question was brought before them), the Crown lawyers would not have obtained an opinion which would legalise that transportation. He had still more reason to suspect that they would not get anything like a large proportion of the judges to favour such an interpretation of the law. But these were conjectures, the grounds of which he should give no account of at present, further than to state, that so far as he had examined the case, and so far as some learned Friends with whom he conferred, but who had nothing whatever to do with it, (that is, who were neither parties nor counsel in it), could see, the Government had no right to transport these men; and if they did transport them, an act utterly illegal, and in the teeth of the law, would be perpetrated by them. It was possible, however, notwithstanding the opinion of the Crown lawyer having been discomfited so recently and so signally, and in such an extraordinary attempt, that the Government might be disposed to receive it in the present instance with deference, and might consider it prudent and safe to act upon it. If so, then he had to remind the Government of another circumstance, and that was the last to which he should call their attention and that of their Lordships. There were many men taken under arms in open rebellion, fighting against the subjects—ay, against the troops of the Crown. Every one of those had received the benefit of an amnesty. Two or three of the present petitioners had come in under Sir Francis Head's amnesty, on the general promise of pardon, and they complained that a condition of transportation had been annexed to it, which, if they were aware of in the first instance, they would have remained in the woods, or stood their trial and taken their chance. And what they now said was this: "We did not ask a pardon, the qualification of which was added behind our backs, but let us go before a jury (we don't care whether English or Canadian), and let them decide on our case." Why, then, should these nine poor men be sent to New South Wales, when every one of them, with one or two exceptions, was physically incapable of taking part in this insurrection, being in prison at the time on charges of a seditious, or, if they would, of a treasonable nature; and when those who were really guilty, who were engaged *flagrante bello civile,* went unpunished, and received the full benefit of the amnesty? With their Lordships, who composed the highest court of judicature in the kingdom, and with his noble Friend at the head of the Government, he left the case for the present.

The Marquess of *Normanby*: He was sure that their Lordships would feel, that it was impossible for him, at this stage, to make any comments on the petition which had been read to their Lordships, for this reason—that many of its allegations were at the present moment under the consideration of her Majesty's Government. No decision had been yet come to on the subject. It was, therefore, obviously improper to give any opinion on the subject. He only entreated their Lordships to bear in mind, that what was here stated were the assertions of parties deeply interested, and of course making the best of their own case. That case had been very ably commented upon by his noble and learned Friend, and certainly very elaborately stated either by the petitioners, or, at least, in the petition which had been just read. Many allegations were made in that petition which arose, for the first time, since the legal decision had been come to on this subject, which required considerable investigation, some delay, and much advice. He was satisfied, then, that in the present state of the business their Lordships would not consider it consistent with his duty to say another word.

Petition laid on the table.

Clerks of the Peace.] Lord Redesdale moved the Second Reading of the Clerks of the Peace Bill.

Lord *Portman* said, that he should move that it be read a second time that day three months. The grievance which it proposed to remedy, had occurred once only since the 7th of Henry 8th, and that grievance was this—the Lord-lieutenant of the county of Worcester had left England without appointing a vice-lieutenant; and the present bill consequently proposed to give to the magistrates the power of appointing a clerk of the peace on any sudden emergency, who was to be removed if, within three months, the Lord-lieutenant appointed another person. The evil had only arisen once, and he thought that that circumstance was sufficient in itself to provide a remedy, by making Lords-lieutenant cautious not to leave England without appointing a vice-lieutenant.

Lord *Redesdale* said, that he should not have thought of founding a bill upon a solitary case, if the evils which had arisen from that single case had not been very great. The consequence in that case had been, that the gaol could not be delivered, and owing to its crowded state a fever broke out, and many lives were lost.

Lord *Brougham* opposed the bill. This measure gave the magistrates the patronage of the office of clerk of the peace, for a certain time at least; and if they happened to appoint a person who discharged the duties of the office with satisfaction to the magistrates and suitors, it would place the Lord-lieutenant in a very invidious position if he were to remove that person, and appoint one whom he might think better fitted for it.

The Earl of *Hardwicke* concurred with the noble and learned Lord opposite. He thought the measure calculated to give rise to a misunderstanding between the magistrates and Lords-lieutenant.

The Earl of *Harewood* thought this measure quite unnecessary. If the grievance required a remedy, the obvious and easy one was to compel the Lord-lieutenant not to absent himself without appointing or nominating a vice-lieutenant.

Lord *Portman* suggested, that the noble Lord (Redesdale) had better bring in a bill to enable the justices of the peace to appoint a person to perform such of the duties of the clerk of the peace as might be necessary for that Sessions; no patronage would then be interfered with.

The Duke of *Richmond* said, that her Majesty's Government might have prevented all the inconvenience; they had nothing to do but remove the Lord-lieutenant who had absented himself, and, if that had been done, then the new Lord-lieutenant would have appointed a clerk of the peace, and the mischief would not have arisen. When the remedy, therefore, was so easy and effectual, for he would venture to say, if that had been done, the case would not have occurred again. He thought there was no ground for the bill, and he hoped his noble Friend would withdraw it.

Bill withdrawn.

BOROUGH COURTS BILL.] Lord *Denman* rose to lay on their Lordships' Table, a Bill for regulating the proceedings in the Borough Courts in England and Wales, the object of which was to enable the Judges who had the power of regulating those proceedings, to do so on an uniform system. The bill which he had introduced at the commencement of the Session had been altered in some respects by the House of Commons. He thought, that the amendments introduced by that House would more properly form the subject of another bill. Unfortunately, when this bill had left that House, it was imperfect in this respect, that instead of naming the date from which it was to come into operation, it ran "from and after—day of—year;" and it had been returned by the House of Commons with the same blanks; consequently, it was no bill at all. He, therefore, brought in a new bill confined to the object of the original bill, in the hope, that the House of Commons would, upon consideration, give up their amendments

Lord *Brougham* wished to ask his noble and learned Friend on the Woolsack, as three or four months had elapsed and nothing had been yet heard of the promised judicial reforms whether any steps had been taken to remove one of the greatest existing evils, by altering the position in which the Chief Judge of the Admiralty Court, alone of all the Judges, was placed; for that learned Judge was paid, not a salary, but by an annual grant of Parliament. He had a seat in the Privy Council, and he was the only Judge in that Court who had not an independent and fixed salary; the only Judge who was at the mercy of the cry for economy.

The *Lord Chancellor* spoke in a very low tone, but he was understood to say, that undoubtedly it was extremely desirable, that the position of that learned Judge should in that respect be changed, and that some measure with that object was under consideration.

Lord *Brougham* was glad to hear it; and he begged also to observe that every argument which went to show the impropriety of leaving that learned Judge in that dependent situation as to salary, applied with equal force to his going to the hustings and there stating what his opinions on certain subjects were.

Bill read a first time.

THE POOR-LAW.] Earl *Stanhope* presented a petition from several clergymen of the Established Church, ministers of five adjacent parishes in Kent, lying in three different unions, and comprising 8,000 souls. The petitioners expressed their hope, that a searching inquiry would be made, to discover whether the power vested in the Poor-law Commissioners had not been exercised in an arbitrary and capricious manner; they pressed the necessity of dispensing with the Assistant-commissioners, and the saving of expenditure to be effected thereby; they were anxious that all the provisions of the Poor-law Amendment Act should be carefully examined, with a view to mitigate the rigour of its effects on the poor, whose interests it ought to protect: they were especially desirous that the bastardy clauses should be got rid of altogether; for, said they, it was most unjust to visit the punishment on one only, and that the weaker *particeps criminis;* they condemned also the hardship of throwing the expense of maintaining the child upon the mother, and declared that these regulations had, it was to be feared, greatly increased the dreadful crime of child murder, without diminishing or checking profligacy; they esteemed the refusal of relief, at their homes, of deserving objects, a great hardship; it was, in effect, to punish poverty as a crime; and they prayed that discretionary powers might be vested in the Boards of Guardians, to relieve such cases as, on investigation, might seem to them to call for relief. The noble Earl said, he only wished these sentiments were universally entertained by the ministers of the Established Church; and then no apprehension need be entertained for the security of that body. He need not say, that he agreed entirely with the reverend petitioners, and especially as to what they said of the bastardy clause; and here he would observe, of his noble and learned Friend (Lord Brougham), without, however, meaning any disrespect to his noble and learned Friend, that he seemed to be one of those who strain at a gnat, and swallow a camel; for he thought, it was rather remarkable, after all that they had heard the other day, from the noble and learned Lord, of the depravity and demoralization of beer-houses, why the noble and learned Lord did not dilate upon the demoralization caused by the Poor-law Amendment Act. He declared that the bastardy enactments had, in many cases, operated to give perfect impunity to the seducer; while it caused, but too often, the suicide of the female, or the murder of the offspring. He distinctly charged all this on the New Poor-law. But this was not all; he had received a communication from a gentleman residing in the neighbourhood of these petitioners, who stated, that the workhouse of the Tunbridge Union never has contained many more than 400 persons, but, in last year, or rather, from the 1st of February to the 31st of December, what was the number of deaths, did the House think? No less than 47; that was to say, upwards of 11 per cent. This was the mortality of a workhouse under this system—11 per cent. a-year, while the individual to whom he had referred stated, that, in his own parish, the mortality, on the whole, was only two and a half. A respectable person had informed him (Earl Stanhope), that the average number of persons in the workhouse of Horsemonden, last year, was 200; and, of deaths, 34; making 17 per cent. He thought it absolutely necessary, that a full and fair inquiry into these cases should take place, and that it should not be conducted by Assistant-commissioners, Secretaries, and their dependents.

Petition to lie on the Table.

The noble Lord then said, he would beg to present the petition of Thomas Coombs, which he had read to their Lordships some days since. Perhaps, as it was a valuable document, and their Lordships might have forgotten some of the statements, it might be advisable to read it again.

Lord *Brougham.* Oh, no! God forbid. He hoped his noble Friend would have no objection to postpone this petition to another night. Surely, one petition was enough for one night. His noble Friend had founded a lecture on the Poor-laws, which he seemed determined not to allow to drop; but he hoped his noble Friend would now allow them a respite from a second petition on the same night. He would suggest to his noble Friend, that it would be a much fairer course, to move at once for a repeal of the Poor-law Amendment Act, or to wait till the promised bill for the alteration of that measure came before them, instead of attacking the general administration of the law from particular instances of alleged misconduct.

Earl *Stanhope* said, that, for the first time during a parliamentary career of 30 years, he had heard the presentation of a petition designated a lecture.

Lord *Brougham* said, his noble Friend forgot that that was the expression he had himself made use of last year, having declared that it was his intention to institute a course of lectures on the Poor-law.

Earl *Stanhope* was not aware that any course he could take would be fairer than that which he was now pursuing, although it pleased his noble Friend, as on all other occasions, to be facetious. He (Earl Stanhope) had lived on intimate terms with a man, whose memory he should ever revere, who had been one of the brightest ornaments of that House—the late Lord Eldon. In one of the last conversations he had had with that great man, who had been snatched from them, to the infinite and irreparable loss of his country, Lord

Eldon remarked, when speaking of the expediency of attempting the repeal of the New Poor-law, that "nothing could be done till the country was ready for it, which it would soon be." That was one of the reasons which induced him to postpone any general motion upon the subject; but, although postponed, according to a French proverb, it would not therefore be lost. In the mean time, he would beg leave to read to their Lordships an affidavit which contained an interesting statement relative to the administration of the law in the parish of Wimborne. It was as follows:—

"I, Ann White, wife of Silas White, of the parish of Wimborne Minster, do solemnly and sincerely declare that, in January, 1837, I applied to Mr. Henry Bartlett, one of the Guardians of the parish of Wimborne, for relief.

"I had then been confined about a month with my seventh child, and had no victuals nor money for myself, husband, and seven children. We were all starving, my husband not having been able to get regular work for some months. My landlady, Mrs. Wareham, accompanied me to Mr. Bartlett, when I told him how distressed we all were, and begged of him to give me something for my family (in all nine of us) to eat, for we were hungry enough to eat each other up.

"Mr. Bartlett said, he would not give me a farthing if it was to save my life, and that I had better go home and make a pie of some of my children, and begin with this infant in my arms. Mrs. Wareham then asked him how he would like to see his daughter made into a pie, and whether he did not think that I had the same love for my children as he had for his. I then went away without having any relief given me. And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an act made and passed in the 6th year of the reign of his late Majesty, entitled 'An Act to repeal an Act of the present session of Parliament, entitled 'An Act for the more effectual abolition of Oaths and Affirmations taken and made in various departments of the state, and to substitute declarations in lieu thereof, and for the more entire suppression of voluntary and extrajudicial oaths and affidavits, and to make other provisions for the abolition of unnecessary oaths.

"The + mark of ANNE WHITE.

"Declared and subscribed at Wimborne Minster, in the county of Dorset, this 13th day of April, 1839, before me,

"ISAAC FRYER, a Master Extraordinary in Chancery.

"And I certify that the above declaration was read over and explained to the said Anne White in my presence, previously to her putting her signature or mark thereto, and that she fully understood the same.

ISAAC FRYER, a Master Extraordinary in Chancery."

The noble Earl recapitulated the chief facts contained in the petition of Thomas Coombs, presented on June 6th. The petitioner stated himself to have a wife and nine children, seven of whom were under sixteen years of age, and one only seven months old. Last summer he earned 12*s.* a-week, but for fifteen weeks previous to his addressing this petition to the House, had been able to obtain no work. He applied for relief to the guardians of Westbourne Union, of which he was an acknowledged pauper, but was refused, and directed to go to Portsea Union, where he applied and was also refused. Having, at last, reached the degree of suffering which the assistant-commissioner for Hampshire gives as the description of destitution, and thus become qualified, in the opinion of the Portsea board, for relief, he had for his family 4*s.* and three gallons of bread weekly, and for himself medical relief and such nourishment as the surgeon prescribed. And when he had recovered sufficiently to bear the journey, he was, with his family, removed to Westbourne workhouse, where they were first locked up in cold damp rooms, as if they had been guilty of some crime, and afterwards separated from each other. The noble Earl moved, in conclusion, that the petition do lie upon the table.

The Duke of *Richmond* said, that the present petition, to which the noble Lord, through the medium of the newspapers, had given a most extensive circulation, was signed with the mark of Thomas Coombs, and witnessed by the rev. Mr. Dewdney. It was evident that the petition, which was remarkably well drawn up, was the composition of Mr. Dewdney and not of the petitioner. In anything he was going to say, he wished particularly to guard himself against being supposed to make any attack on that rev. gentleman, who, he believed, from all he had heard, was a very humane and a very good man, but, somewhat like his noble Friend, on the subject of the poor law had taken a twist, and could not hear the question discussed without loss of temper, and having his judgment warped by his prejudices against the new system. The rev. gentleman had acted well by putting his signature to this petition, so that it could not be said that it came before their Lordships under false pretences. Coombs was a man who had been working in the Portsea union as a digger of brick-earth, for 12s. a-week. His eldest daughter, who was sixteen years of age, was only able to earn 1*s.* 6*d.* a-week, by making stays, and his next daughter was fourteen years old. Now he, (the Duke of Richmond) complained that the man should have neglected to place his daughters, when they had arrived at such an age, out to service. It was very easy for girls of their years to go to service, there being always a demand for them at the houses of the neighbouring farmers. No farmer could be expected to give wages large enough to maintain such a family; and besides to retain the eldest children at home at their years, was only to bring them up in idleness and improper habits. He (the Duke of Richmond) thought that persons situated as this man was, ought in all cases to put their children out to service, which, besides enabling them to earn something, fitted them to become wives and mothers themselves. This man had applied to the board of the Westbourne union for relief, and was told that he must apply to the relieving officer of the union within which he resided. He was taken before a magistrate, examined as to his proper parish, and ordered to be removed thither, but in consequence of the man's becoming ill, the execution of the order was suspended. When the man got well he came to Westbourne, and arrived when the board of guardians was sitting. Here he would put it to the rev. Mr. Dewdney himself, or any other gentleman, however strong might be his prejudices, to say, whether the chairman and members of this board were not as respectable and humane men, and as exemplary in the discharge of their duties, as could anywhere be found. He would venture to say, that the farmers of the neighbourhood gave their labourers as good wages as any in the country—as good as his noble Friend himself gave. The board was told that the man came from a place at a distance, and ordered him to be admitted into the workhouse, which was not, as the petition represented it, fitted up like a gaol, for it had no iron bars at the windows.—[Earl *Stanhope*—The inmates are locked up.] He was ready to meet his noble Friend on that point. The man was taken to the probationary ward. If the parties were not locked up, it would be impossible among the lower classes, of seaport towns especially, to prevent the introduction and spread of infectious diseases. The man was put into the male side of the probationary ward, and his children into the female side. Instantly on this being done, a fire was lighted, and dinner provided for him. The doctor was sent for; he arrived soon after, and ordered him to be taken into the infirmary. The man had not been there more than an hour and a half, when his wife told the matron she wished to see her husband. The request was instantly complied with; she was taken into the infirmary, where her husband said he was very comfortable, and had nothing to complain of, on which she went back to sleep in her own part of the house. If they had been in a county infirmary, could his noble Friend suppose that the woman would have been allowed to remain with her sick husband all night? It should be observed, that the complaint of the petitioner, as to separation, would have applied as well as to any other infirmary. On the following morning the woman again asked to see her husband, and was taken immediately, as before, to see him. He should like his noble Friend to ask Mr. Dewdney, whether he would give his word of honour as a Gentleman, that he had heard the statements which he had put into the petition from the lips of the individual. He wished to ask Mr. Dewdney that question, as he was certain that Gentleman was a man of too high honour to reply in the affirmative if it was not the case. He did not believe that Mr. Dewdney had taken the statements from the lips of the petitioner, but of his wife. With regard to the declaration which his noble Friend had made to their Lordships, he objected to the legality of the proceeding. He contended, that the magistrate who had taken the declaration was liable to be fined for a misdemeanour. Returning to Coombs, he must observe, that the petitioner had been heard to say, by one who was an inmate of the workhouse at the time, that he should like to spend a week in it very much; that the petitioner's wife had said, that she would not have come to the union at all, if she had not hoped the guardians would have given her out-door relief, and that if they had, she hoped to have got assistance from other persons also. He must also deny that the rooms of the workhouse, as asserted in the petition, were cold and damp; he wished the rev. Gentleman who wrote the petition, had inquired a little more fully into its state. The guardians would be happy to allow the rev. Gentleman to examine the workhouse. He would only add, from his knowledge of the wages and habits of meritorious labourers, that those who were determined to be provident, and take every means in their power to bring up their children in industrious habits, would always be able to rear a family. He knew persons in the same situation as the petitioner, and with as large families, who had money in the savings bank.

Lord *Wynford* said, there were allegations in the petition into which he thought the House was bound in duty to inquire. It was evidently impossible, that a man and his wife, with a family of nine children, could be supported on a sum of 12*s.* a-week.

The Duke of *Rutland* intimated that the noble Lord had forgotten, that the eldest child received 4*s.* a week, and that the eldest daughter received 1*s.* 6*d.* a week for stay-making, so that the man had 17*s.* 6*d.*, and not 12*s.* a week, for the support of his family.

Earl *Stanhope.*—That was only occasionally.

Lord *Wynford* must, at the same time, express a wish, that no more petitions of this kind should be presented. It was not the way in which their Lordships could get at the truth. His noble Friend near him (Earl Stanhope) made one statement, and his noble Friend opposite (the Duke of Richmond) made another. What positive conclusion could their Lordships come to, after such conflicting statements. How were they to know whether the statement of the noble Earl was correct, or whether that of the noble Duke was incorrect? It was a mere idle waste of time to bandy these charges and these defences about, on the mere presentation of petitions. If the guardians had acted as this petition stated, it was clearly an indictable offence; but if they had acted, as the board of guardians asserted that they had acted, then the board had acted with great humanity. If the petitioner had died upon the snow, then the reverend gentleman who had drawn up this petition, had stated the law correctly, when he said that it would have been manslaughter at least, if it had not been murder, on the part of the relieving officer. Now, it was his deliberate opinion, that if the reverend gentleman would bring a case of that sort before a jury, it would do more to stop the present abuses in the administration of the poor laws, than all the petitions which might be presented to their Lordships against them. If the parties indicted were acquitted, the public would no longer be abused with these stories; if they were convicted, their conviction would prove, more clearly than anything else could do, the existence of the alleged abuses. If a man neglected his duty as relieving-officer, and if, in consequence of his neglect, the poor either suffered in health, or were put to any inconvenience to which they ought not to be subjected, as for instance, in one case of which he was himself cognizant, where an individual had been directed to travel 100 miles before he could obtain relief, there could be no doubt whatever that matters of that sort might be investigated upon an indictment, and that they might even be made subject of a civil action also. Now, such a mode of proceeding would bring the point at issue to a speedy termination, and it would have this advantage beside, that it would be clearly understood, and shortly decided. He would say a few words on a case which had occurred in Suffolk, and which had been proved before their Lordships' committee last year, a case in which the relieving officer having walked into a house, and having there seen a poor man of the age of ninety, in the last state of infirmity and destitution, had allowed him to remain so there, without a change of linen, and without medical assistance for five days, until his sufferings were terminated by death. Now, would it not have been better to have presented an indictment, than a petition against this officer? If an indictment had been presented, and had been followed up by a conviction, it would have prevented this monster from remaining in his situation as relieving officer. He hoped, therefore, that in future, parties who complained of abuses under the Poor Laws, instead of petitioning, would institute criminal proceedings against the individuals whom they denounced as guilty of these malversations. For his own part, he was not an enemy, generally, to the present Poor Laws. There were many things in them of which he approved highly; but there were also many things of which he disapproved as strenuously—for instance, he could not approve of the bastardy clauses, which had been productive of great injury to the country already, and which would be, he feared, productive of still more. It was not his intention to renew the bill which he had introduced on this subject last Session, though he thought that measure, and even one still larger, was required by the circumstances of the country. He was too old and too infirm to enter upon such a task now. But a new bill must shortly be brought in upon this subject, and then the three kings of Somerset-house, as his noble Friend called them, would of necessity lose their thrones. If such a bill were brought in, he hoped that a clause would be introduced into it, by which the people of England would be placed on the same footing with the negroes in the West-Indies. It was deemed consistent with British Justice that stipendiary magistrates, quite independent of the planters, should legislate between the negroes and their employers. He therefore trusted, that there would be no objection to give to the poor of England some mode of appeal from the boards of guardians to an independent tribunal, as it was not fair to leave them entirely at the mercy of a board, generally composed of their employers, and who must always relieve them out of their own pecuniary resources.

The Duke of *Richmond* observed, that the petition alleged that this man, with his nine children, had all been sent to the workhouse. Now it appeared, even from the statement of the Rev. Mr. Dewdney, that only eight of his children were sent there. The noble Earl also admitted, that one of the man's children earned 4*s.* a-week, and that his eldest girl earned 1*s.* 6*d.* a-week by staymaking. He had, therefore, no right to argue this as a case where only 12*s.* a-week was the income of the man and his family. For his own part, he must say, that he did everything in his power to influence the farmers to give good wages to their labourers, not only as a matter of fair dealing to the labourers, but also as a matter of economy to themselves. What he complained of was, that none of the denouncers of the present system of poor-laws, and of its mode of administration, had ever ventured to present an indictment against any of the boards of guardians whom they abused so lustily. Why did not the noble Earl opposite, if he believed these charges, present a bill of indictment against the guardians of the Westbourne Union? He challenged the noble Earl to present such a bill against them. Why were they to be shown up night after night by the public press, at the suggestion of the noble Earl, when they had no one either in that House or out of that House to defend them? "I ask the noble Earl," said the noble Duke, "to prosecute these respectable gentlemen. On their part I defy the noble Earl to do his worst; but the noble Earl knows well, that prosecute them he cannot, for nothing wrong have they done." His noble and learned Friend had said, that there was no appeal from the decision of these boards of guardians. He thought that he had heard his noble and learned Friend speak of the three dictators who overruled the proceedings of these local boards. Those three dictators, as his noble and learned Friend called them, stood to the poor in this country in the same relation in which the stipendiary magistrates stood to the negroes in the West Indies. They were not appointed by the rate-payers, but by the Government; and their regulations must have the sanction of the Secretary of State for the Home Department, or else they were invalid. He declared, that if he had known of any instance of inhumanity occurring in the execution of this law in the county of Sussex, he should have felt it to be his duty to prosecute, at his own expense, the party guilty of it. He recollected the case in Suffolk to which his noble and learned Friend had alluded, and he must say, that to him it appeared that the overseer had been right in law, though he had been wrong in practice. The overseer in that case had asked the man if he would have a surgeon; the man said, no. Nevertheless, under all the circumstances of that case, he thought, that the relieving officer would have done his duty better if he had sent a surgeon to the man's house, no matter whether he liked it or not. If the presentation of petitions of this kind were, as his noble and learned Friend had justly said, highly inconvenient, it was still more inconvenient to have quoted on a sudden, cases which rested upon evidence which none of their Lordships had read for some time. He again challenged the noble Earl to present an indictment against these guardians, if he really thought them guilty of the conduct which he had imputed to them. Let him present it when and where he liked. Let him even put the Rev. Mr. Dewdney into the jury-box, and he was sure, that when Mr. Dewdney examined the whole matter calmly and carefully, he would agree with him in saying that the guardians of the Westbourne Union had done nothing harsh towards this petitioner.

Lord *Wynford* said, the relieving-officer in the Suffolk case had walked into the house of the poor man, and had seen with his own eyes his state of destitution. It was, therefore, his duty to relieve him—for the law of England was founded on Christianity, which was itself a law of humanity. He repeated his former assertion, that under the existing Poor-law there was no appeal from the board of guardians, who at present exercised a power absolutely uncontrolled.

Earl *Stanhope* said, that the noble Duke considered his rev. friend, Mr. Dewdney, to have the same twist on the New Poor-law that he (Earl Stanhope) had. He was proud to say, that he concurred with his rev. friend, Mr. Dewdney, with his rev. friend, Mr. Brill, of Bradford, and with many other rev. gentlemen, in their statements respecting that atrocious law. But was it a logical conclusion on the part of the noble Duke to assume, that because Mr. Dewdney was mistaken as to the operation of the New Poor-laws, he was therefore mistaken as to the facts of the present case? Was it a logical conclusion to assume that the information contained in this petition was derived, not from the mouth of the petitioner himself, but from that of his wife? He (Earl Stanhope) knew, not only that Mr. Dewdney had received that statement from the petitioner himself, but also that he had examined and cross-examined him closely on every word that it contained. As soon as his rev. friend discovered that he had not given him correct information as to the earnings of the man's family, his rev. friend communicated the discovery to him. He repeated, however, the statement, that during fifteen weeks the petitioner was without an opportunity of getting work, and that at last, nature being exhausted, he fell down in a fit before he got to Westbourne.

The Duke of *Richmond:* Then there is an end to the charge against the board of guardians at Westbourne; for you admit that this exhaustion and this prostration of the powers of his constitution took place before he asked them for relief.

Earl *Stanhope:* The poor man had then arrived at that state of suffering, which, according to the declaration of the Assistant-commissioner for Hampshire, was a sufficient test of destitution, for he was ready to die of starvation in the streets. He knew persons in whose presence that atrocious declaration had been made, and he was ready, if their Lordships pleased, to prove it at their bar. The noble Duke might, perhaps, give another version of that story; but he should like to know whether the evidence on which that version rested did not come from persons liable to be warped by that spirit of intimidation to which reference had been made already in the course of the debate. His noble and learned Friend (Lord Wynford) seemed to think, that the presentation of petitions was unnecessary, and that this was not the best mode of investigating the matter. But he contended, that it was the duty of that House, which, he trusted, they would never deviate from, to throw open widely their doors to receive the petitions of the people. His noble and learned Friend recommended the adoption of legal proceedings, but cases of this sort were so numerous, as well as flagrant and atrocious, that if investigated in courts of law, no other business could possibly be proceeded with. And who was to bear the expense of such proceedings? Whilst protesting, as he always had done, against this execrable and unchristian enactment, he must say his objection to it did not depend on particular cases, though they were as thick as leaves in autumn, and he was aware, that he would always be met with the answer, that although the bill might operate to the injury and oppression of individuals, still it had been productive of good. His objections, however, pointed to the principle of the bill; and whoever sent their petitions to him, might depend on his discharging his duty by presenting them. It was for their Lordships to consider what course they would adopt, whether they would not renew the Committee of last Session, which might have been productive of good, if it had been duly conducted, not in a quibbling and pettifogging manner, overloading the minutes with useless matter, and merely attempting to confound and confute the opinions of witnesses, so that, of their report, it might be said, *nascitur ridiculus mus.* Few persons would take the trouble to read, and none to present, a digest of such a document. He thought it their duty not only to receive, but patiently and deliberately to examine, every allegation in the petitions which were presented upon this important subject. He, at least, would discharge his duty with firmness, at the same time, giving, as he was bound in fairness to do, every opportunity in his power to those who were affected by the allegations made in the petitions of making what answer they could.

Viscount *Melbourne* did not rise for the purpose of prolonging this debate, being very much of opinion with the noble and learned Baron opposite (Lord Wynford), that if they continued it for three hours later, they would not be likely to arrive at any more satisfactory conclusion, or more clear conviction in their own minds, than he apprehended they were already in possession of. But, as the noble and learned Lord had repeated the declaration made by the noble Earl, which was altogether erroneous and injurious to the character of a person of the highest respectability, and who discharged the duties of the office he held in the most exemplary manner, he could not help reading to their Lordships that gentleman's own explanation of the expressions which had been attributed to him. The noble Lord had attributed to the Assistant Poor-law Commissioner of the district, Colonel A'Court, the statement that a man had no right to relief until he had actually fallen down in the street dying from destitution, exhaustion, and inanition. Such a statement, when attributed to a person like Colonel A'Court, was altogether unlikely and improbable. It never was used by him. His own account of the matter was this:—

> "As regards the expressions which Thomas Coombs has attributed to me, as my definition of destitution, at this distance of time I cannot charge my memory with the exact words which I may have made use of; but I perfectly well recollect observing, on a discussion as to the relative duties of relieving officers and overseers, that it was very desirable that all out-door relief should be administered by the union officers, but that cases might occur in which it was absolutely necessary that an overseer should interfere. As an illustration, I may very possibly have cited the case of a wayfaring man suffering from exhaustion in the streets, as one of many which the Portsea overseers were compelled to provide for, notwithstanding the appointment of a resident relieving officer. The question was not as to the interpretation of the term 'destitution,' but I had in my mind reference solely to such cases of emergency as parish officers were bound to take cognizance of in the absence of the paid officers of the Union. It is hardly necessary for me to declare, that I never, for an instant, intended to convey the impression 'that a man must be ready to drop in the street before he could be legally entitled to parish relief.'"

Their Lordships would at once see the manner in which these expressions had been used by Colonel A'Court. They were not intended as a definition of the situation in which a man must be before he could claim relief, but as a statement of the case which would justify the parish officer in interfering when otherwise he would not be justified in so doing in the absence of the paid officers of the union. The noble Earl, therefore, who must have spoken inadvertently or upon misinformation, had evidently attributed the expression to Colonel A'Court in a sense it was never intended to bear.

The Duke of *Wellington* said, he was very happy to hear the explanation which had been given by the noble Viscount. He did not know the name of the Assistant Poor-law Commissioner to whom reference had been made, but knowing pretty well those who filled that office in Hampshire, he was perfectly certain that none of them were capable of making use of such expressions as those which had been quoted on the present occasion. This, however, was only an example of what had frequently come under his notice in that House—he alluded to the facility with which facts of this description were stated in petitions against the Poor-law Commissioners and other parties, which upon investigation turned out to have little or no foundation in truth, and as little confirmatory of the original statement as the circumstances which had been so satisfactorily explained by the noble Viscount in relation to Colonel A'Court. He really thought it would be very desirable if the noble Earl would attend to the recommendation of his noble and learned Friend behind (Lord Wynford), who urged him to bring in a bill to alter this law, and see what he could do in the way of its amendment. He had been long enough in Parliament to recollect that before the present law was passed there had not been less than half-a-dozen attempts made by some of the greatest men this country ever produced to amend the system of poor laws. Among others, a person for whom he knew the noble Earl entertained the greatest respect, the late Mr. Pitt, made an attempt to amend these laws, and failed, for a reason, which he believed, had occasioned the failure of every attempt to alter them until that which was made within these few years, and the present Poor-law Amendment Act was passed principally by the exertions of the noble and learned Lord (Brougham), who was present at the commencement of this debate. The real truth of the matter was this: that in every parish in the country there existed abuses, he would venture to say, a hundred times greater than any of those which the noble Earl had brought forward in any of those petitions with which he entertained their Lordships upon every vacant day that presented itself. In every parish, he repeated, there were abuses; and in each, abuses upon a different principle from those in the neighbouring parish, so that no law could be produced to remedy them, for the measure which should apply to parish A, instead of removing the abuses existing in parish B, would only tend to aggravate and render them intolerable. At length the Administration of which the noble Viscount was a Member took up the matter. There was a very general and searching inquiry into the whole state of the administration of the Poor-laws, as the result of which it was, and of the experience of the various attempts to amend those laws, the present measure was arranged and brought into Parliament. It passed both Houses in a very short space of time, and looking to the importance of the subject, with a very extraordinary degree of unanimity; for he believed on the principle there was no division whatever, and hardly a difference of opinion in that House; he believed there was none in the other House of Parliament, and very little difference of opinion upon any part of the details. With respect to the administration of the law, he had observed it in different parts of the country, and he must say that its administration had been entirely satisfactory, and most particularly to those parties who were likely to become its more immediate objects. That part of the law of which the noble Earl and the noble Baron behind complained most—namely, the existence of the Poor-law Commissioners—was, in his opinion, the most important part of it. The truth of the matter was, that the abuses in the administration of the poor laws were so numerous, so various, and at the same time so inveterate, that it was absolutely impossible to get the better of them without the constitution of some central authority which should superintend the execution of the law, taking care that it was duly administered, and that those intrusted with its execution in the country did not infringe upon its provisions. Such, he believed, was the object of the institution of those Boards of Guardians and Commissioners. Every measure had been adopted to secure the publicity of the reports, to enable Parliament to acquire a knowledge at any time of all their transactions upon any particular subject; and he must say it was this part of the noble Earl's conduct that astonished him the most, for while he ought to know that at any time he could have the means of ascertaining the conduct of those authorities upon any point, particularly that comprised in the petition which he had read three or four times to their Lordships, instead of moving for the production of the papers and correspondence, and ascertaining precisely what the real facts were, he went into detail of all the allegations in the petition, producing exaggerated statements on the subject, and was thus guilty of all the injustice of doing an injury to the reputations of those persons whom he traduced.

The Duke of *Richmond* would move, in order to afford the noble Earl an opportunity of reply, " that there be laid on the table a statement from the Poor Law Commissioners of the examination by the clerk of the Westbourne union respecting a certain publication in a newspaper," meaning the petition of Thomas Coombs, presented by the noble Earl. He would only say, in reference to the allegation which had been made by the noble Earl as to the expensive character of proceedings in a court of law, that if the noble Earl would consent to prosecute the Westbourne guardians, he would undertake to pay the whole of the expense if they were found guilty, on condition the noble Earl would pay the whole if they were acquitted.

Earl *Stanhope* said, he felt at a loss to conceive what notions of justice were entertained by the noble Duke (Wellington) when he complained that those worthy and excellent persons, the Poor Law Commissioners, were falsely calumniated and reviled, because those who suffered under the severity of their administration ventured to call the attention of the Legislature to the circumstances of their case. He must also be allowed to say, in answer to another observation of the noble Duke, that he was not a public prosecutor; nor, as he had repeatedly stated, did he rest his opposition to this accursed measure on individual cases, however aggravated they might be. The noble Duke had referred to the various attempts which had been made to amend the poor laws. He denied there was any failure on the part of that great Minister whose memory he revered as the greatest statesman, without disparagement to any in modern times, whom this country had ever produced, whose councils he hoped would always be followed, and who, if he had been spared by Providence, would have preserved this country from those dangers which now encompassed it on every side. The plan which that great Minister proposed, it should be recollected, was different as light from darkness from the provisions of the Poor Law Amendment Act. In December, 1796, his plan was brought forward. In the following year a variety of calamitous events occurred, and amongst others the suspension of cash payments by the Bank of England. Mr. Pitt's attention was naturally absorbed by these, and he did not find it possible to proceed with his bill. But the measure so proposed could not therefore be called a failure. The noble Duke had called upon him to bring forward a bill similar to that introduced last session by his noble and learned Friend (Lord Wynford) to amend the Poor Law. He had no doubt considered well in what respects the present acts should be amended; but he thought the most convenient mode of discussing the subject would be by resolutions, and not on the introduction of a bill. He intended, therefore, to lay on the table the resolutions which he thought desirable to be proposed, and which he should move be printed for consideration on a future occasion. He declined accepting the sort of bet offered by the noble Duke opposite (Richmond) as to the expense of prosecuting the Westbourne Guardians. Undoubtedly, it was quite competent to any person who thought himself injured to appeal to a court of law; but the expense, inconvenience, delay, and difficulty, considering the intimidation which prevented witnesses coming forward, were such as might well prevent any one resorting to that mode of gaining redress.

The Duke of *Wellington* did not call upon the noble Earl to assume the character of public prosecutor; but if he thought proper to accuse people, he should take care to do it in such a shape as would enable them to defend and justify themselves if they were not guilty. That would be but just on the part of the noble Earl; it was not just to come down to that House, night after night, and accuse Gentlemen, without taking those steps which would enable them to justify themselves. When the noble Earl made statements such as the House had that night heard, he thought that those statements ought to be accompanied by a motion respecting some one particular case. The House ought to have the papers on both sides before them—the defence as well as the charge. Thus, and thus alone, could their Lordships be enabled to see who were right and who were wrong. He had never referred to the public accuser during the French revolution for the purpose of instituting any comparison between him and the noble Earl. That which he thought, and that which he now desired to say upon the subject was, that the noble Earl gave a most exaggerated view of one side of the question—he gave the case strongly against individuals who were not in that place present to defend themselves. He made charges in the most exaggerated terms, and would not listen to any defence. He refused to the parties accused those documents which were necessary for enabling them to make an effective defence. But it was true that the commissioners had not been permitted the use of the papers necessary to their defence. The noble Earl refused to give the necessary papers to the commissioners, and they were therefore deprived of any opportunity of knowing what they were charged with.

Earl *Stanhope* replied, that the papers to which the noble Duke referred were already before the House, and the defence of the commissioners had already been sufficiently made by the noble Viscount. He had not been guilty of any refusal of documentary evidence to the commissioners. He declared, and he acted upon that declaration, that all due publicity should be given to the papers in question; but at the same time he added that he should not have any direct communication with the commissioners. The papers had been published.

The Duke of *Richmond* said, it was evident that the noble Earl could not have a good case, or he would never have spoken of the people of Sussex and Hampshire having been subjected to the influence of intimidation—it was no such easy matter to intimidate the people of those counties. The noble Earl himself could hardly believe that anything like intimidation existed in those quarters. If the evils arising out of the present state of the Poor-laws were really so great as the noble Earl represented them to be, he surely would not lose an hour in bringing the subject fully in detail before the House, and proposing a measure to put an end to these horrors. But so far from being instant and energetic in proposing such a remedy, he contented himself with postponing the whole matter till the next Session of Parliament. The noble Earl very much mistook what had taken place between them on the subject of legal costs. He never had offered a bet to the noble Earl. He begged to know if the noble Earl would pay the expenses, if the prosecution proved unsuccessful? ["*No.*"] Then, if he did not agree to do that, how could other parties be expected to undertake the payment of costs, if the Westbourne guardians were defeated? The House must recollect the offer he had made, and it certainly, he thought, did not come within the proper description of a bet. There was nothing of which he entertained a stronger conviction, than that the Westbourne guardians were in all respects perfectly in the right. He should move, that the examination be laid before the House relating to the conduct of the Westbourne guardians towards Thomas Coombs, and he hoped that, as the noble Earl had published one part of the proceedings, he would use his influence to give as wide a circulation to the antidote as to the poison. The noble Duke concluded, by saying, that when those communications were before the House, he should move that they be referred to a select committee.

Earl *Stanhope* confessed, that it occasioned him some surprise to learn, that the noble Duke should have expected him that night, or even in the present Session, to proceed with the resolutions of which he had given notice for the next Session. Those resolutions, if adopted, would pledge the House to nothing less than a repeal of the existing Poor-law of this country. He should now proceed to lay before their Lordships a petition from the guardians of the poor of the parish of St. George, Southwark, and it was not necessary that he should then recapitulate the contents of that petition. It complained, amongst other matters, of the misrepresentation to which the petitioners had been subjected by the Poor-law Commissioners, and the grounds of their complaint rested upon information which had been already supplied to the Secretary of State for the Home Department. The parish of St. George had a calculation made, showing their parochial expenses before 1836, and subsequently to that period, from which it appeared, that in 1834, 1835, and 1836 the average decrease of expense had been 2,000*l.* a-year. Now, at present the Poor-law Commissioners took credit to themselves for a saving of 1,000*l.* a-year, which saving it was evident from the papers before him arose in no respect from the operation of the new Poor-law. The case of the parish of St. George Southwark was by no means a solitary instance. He held in his hand a report from the auditors and committee of the house accounts, made on the 2nd of last month, to the corporation and guardians of the poor of the city and county of the city of Chester, which referred to the topic he had brought under their Lordships' consideration in the following terms:—

> "We cannot close this report without congratulating the ley-payers on the resistance which was effectually made to the introduction of the new Poor-law into this city, and on the reduction of the expenditure by a board of guardians, independent of the Poor-law Commissioners and of those restrictions and privations which exist under their rules, orders, and regulations—a reduction equal to that which in other parts of the kingdom they and their friends proclaim as the result of the Poor-law Amendment Act, which it is evident is not necessarily to be attributed to that law."

In the first year after the introduction of the Poor-law, the rate in the parish of St. George was 7*d.* in the pound; in 1837 it became 14*d.* in the pound, without any alteration in the workhouse. In 1838 the tradesmen's bills remaining due amounted to 2,000*l.* When the Poor-law came into operation the parish had 1500*l.* in the hands of their treasurer, besides other funds to an equal amount, making in the whole 3,000*l.* The condition of their affairs, then, had been misrepresented by the Commissioners in a manner the most unjust and injurious, and he would add, that he did not see how any one could help perceiving, that they had been made the subject of wilful falsehood. He could bear testimony to the careful and exemplary manner in which the guardians of the parish of St. George had discharged their duties. No guardians could, under the circumstances, have done more than they have done to protect the rights of the rate-payers and the interests of the poor, and he must say, that the conduct which they had pursued, and the information which they supplied had gone a great way towards dispelling the delusions which the Commissioners had been endeavouring to create, but to create in vain, for they had fully shown, that the decrease in the rates was not to be attributed to the operation of the new Poor-law, but to causes perfectly distinct, one of which evidently was the demand for labour occasioned by the progress of railways and other public works.

Viscount *Melbourne* observed, that there had been an error in the computation made relative to the years 1833, 1834, and 1835, to which the noble Earl had just referred, and which produced an apparent difference of seven per cent., being the difference between forty and forty-seven. That error had certainly not been committed by the Commissioners—it had been committed by the clerk of the guardians, and the guardians naturally adopted it from him: it was no great matter of surprise, that such an error should have crept into a calculation involving so many particulars of such great amount, and it was after all a matter of no very great moment. The Parish of St. George was not united with any other parish; its accounts would probably, therefore, be not kept with as much accuracy as if two parishes were interested in the result; but even supposing the error to have been greater than it really was, it still furnished no grounds for the general conclusions sought to be drawn from it.

Earl *Stanhope* said, the petitioners were prepared to prove, that they, and not the Commissioners, were in the right.

Various papers, connected with the subject, on the motion of the noble Earl and the Duke of Richmond, were ordered to be produced.

Agreed to.

Their Lordships then adjourned.

HOUSE OF COMMONS,

Thursday, June 13, 1839.

MINUTES.] Bills. Read a first time:—Poor-law Commission Continuance; Collection of Rates; Sugar Duties.—Read a second time:—Joint Tenants Voting (Ireland).

Petitions presented. By Lord Cole, and Mr. Thornely, from several places, for a Uniform Penny Postage.—By Mr. Greene, from Bolton, against the Ministerial plan for National Education.

CATHOLIC ASSUMPTION OF EPISCOPAL TITLES.] Mr. *Dillon Browne* presented a petition from the Catholic archbishop and clergy of the diocese of Tuam, from which, as it was of very great length, he said, that he would content himself with reading the following passages:—

"That your petitioners beg to approach your honourable House with the unfeigned assurance of their devotion to the Throne and person of our most gracious Sovereign. That while 'they give unto Cæsar the things that are Cæsar's,' they cannot be unmindful of the other precept that issued from the same divine source, of giving to "God the things that are God's." That the religious education of their respective flocks is a duty exclusively belonging to the spiritual authority of the pastors of the Church, and which they cannot resign into any other hands without a renunciation of those obligations which they owe to its divine founder. The petitioners beg to impress upon your honourable House, that religion, to be effective, must be definite in its creed; and that any plan that would attempt to combine the discordant tenets of different sects of Christianity in a vague belief, would be utterly subversive of its foundation, and equally at variance with that solicitude which Protestants feel for the articles of the Established Church, as well as with the zeal with which Catholics have clung to their faith under the most adverse fortunes. The petitioners further beg to observe, that in the diocese of Tuam alone, there is a Catholic population of four hundred and seventy thousand persons, and there is not more than one to fifty of all other religious creeds; that the petitioners conceive it to be utterly unreasonable, that for one in fifty they should submit to a system of education fashioned for a mixed population of all Christian sects, and regulated by a manifest preponderance of Protestant principles and influence. The petitioners, therefore, seeing no hope of accommodation with a body whose pretensions are so arbitrary, that they cannot be submitted to without the most imminent peril to the Catholic faith, since it undisguisedly supersedes the authority by which that faith is protected, take this solemn opportunity of assuring your honourable House, that henceforward they hold no connection whatever, pecuniary or otherwise, with that board, and they will use all the spiritual influence of their sacred office to withdraw the children of their respective parishes from so dangerous a connexion."

Mr. *C. Law* begged to observe, that by the Roman Catholic Relief Act, any Roman Catholic clergyman who assumed the title of a dignitary of the Protestant

Church subjected himself to a penalty. He begged to ask the hon. Member who presented the petition, whether he was correct in supposing, that it purported to be the petition of a person calling himself the Archbishop of Tuam? If such were the case, he should feel it his duty to move, that the petition be rejected.

Mr. *Dillon Browne:* The petition is signed "John M'Hale." It is described in the heading as the petition of the archbishop and clergy of the diocese of Tuam, but it is not so signed. The signature "John M'Hale" has no such title or character attached to it.

Mr. *Law* then moved, that the petition emanating from a person falsely assuming the title of Archbishop of Tuam be rejected.

Mr. *O'Connell* said, that the hon. Member for the University of Cambridge had himself stated, that which was false.

Sir *R. Inglis* called upon the Speaker to protect the Members of that House from the attacks of the hon. Member for Dublin. That hon. and learned Member was not amenable to what he might think fit to say out of that House, but on this occasion in applying the term "false" to the statement of the hon. Member for the University of Cambridge, the hon. Member for Dublin had been disorderly; and he called on the Speaker to enforce order, and to compel the hon. Gentleman to withdraw that expression, to apologise to his hon. and learned Friend, and to the House.

The *Speaker* certainly considered, that the conduct of the hon. and learned Member for the city of Dublin, in making use of the term "false" had been most disorderly, and he called upon him to apologise for having made use of that expression.

Mr. *O'Connell* said, that as such was the opinion of the Chair he at once withdrew the expression, and yielded to the opinion so pronounced in the fullest manner.

The *Speaker:* The question is, that the petition be now brought up.

Mr. *O'Connell* thought the question would more strictly arise, when the question was, that the petition be laid on the Table.

Mr. *Dillon Browne* brought up the petition, and the heading was read by the clerk at the Table, which was stated to be the humble petition of the Archbishop of Tuam.

Sir *R. Inglis* having then examined the petition, said it was signed John M'Hale, with a cross affixed, and there appeared to be an erasure after that signature. He begged to ask the hon. Member for Mayo, whether he was cognizant of any erasure? To his eye the erasure was quite apparent.

Mr. *Dillon Browne* would explain how the erasure had been made. The petition had been forwarded to him by the Archbishop of Tuam—he believed the only Archbishop of Tuam now existing—and attached to that name were the words "Archbishop of Tuam." In forwarding the petition to him, Dr. M'Hale stated, that if the presentation of the petition with that term attached to it should be considered irregular, he might erase it if he pleased. Deeming that addition to the name to be irregular — wishing to avoid any unnecessary discussion—and not supposing, that any objection would be stated against the receiving of the petition on such an account, he had erased the words "Archbishop of Tuam." It might be irregular for Dr. M'Hale to describe himself as Archbishop of Tuam; but there was no law to prevent him from so describing Dr. M'Hale if he thought fit. He never could suppose, that the House would evince such an intolerant disposition as to reject the petition, simply because it proceeded from Roman Catholic clergymen.

Mr. *Law* trusted, that the House would not allow the petition to be received. The hon. Member had fairly stated, that it originally bore the style and title of Archbishop of Tuam, in addition to the signature of John M'Hale, which title so affixed to the name the hon. Member had, on authority, removed, to avoid discussion. But still the petition in its heading purported to be the petition of the Archbishop of Tuam, although no such dignitary by law existed. The hon. Member had stated truly, that the Archbishop of the Protestant church ceased to exist, and that the person assuming the title of Archbishop of Tuam might not have brought himself within the meaning of the statute by being merely so designated by another; but when Dr. M'Hale himself assumed the title belonging to the Protestant church, he assumed a character denied to him by law. He, therefore, submitted to the House, that it would be highly improper to receive the petition, the best defence for which was, that it purported to emanate from a person who legally did not exist at all. It would be trifling with the House, when an Act of Parliament had decided that no man should assume a title belonging to the Protestant clergy of Ireland, if any one were now acknowledged by the House in such a capacity. He trusted the House would reject the petition, vindicate its dignity, and support the law of the land.

Mr. *Warburton* contended, that according to all precedent and practice the petition should be received. If this were a petition from an individual describing himself to be the Archbishop of Tuam, and if the House thought fit to act with strictness, they might in such a case have rejected the petition; but this was not the petition of an individual. It came from the clergy, also, of a particular quarter, professing the Roman Catholic religion. Therefore, in so far as it was the petition of the Roman Catholic clergy, it ought unquestionably to be received. What was more common than for the chairman of meetings to sign petitions to that House in the name and behalf of such meetings? The House could not and did not receive such petitions as the petitions of such meeting, but they always received them as the petition of the individual whose name was attached. On the same principle, this petition should be received as the petition of the Roman Catholic clergyman who signed it.

Mr. *Williams Wynn* regretted, that a petition so headed should have been presented to the House. It was unpleasant to decide on such questions, and he wished much it could have been avoided on this occasion. But as the attention of the House had been drawn to the subject, it certainly appeared that the petition was described as emanating from a person assuming a title to which he had no right, and, therefore, they were bound to reject it. It would be a neglect of their duty to receive it. If it had been merely described as the petition of John M'Hale, archbishop, and other Roman Catholic clergy, he should not have objected to receive the petition, because the Protestant church recognized that clerical rank in the Roman Catholic faith. But here a title was assumed claiming jurisdiction as such within a particular province in Ireland. That was directly contrary to the statute which expressly prohibited any Roman Catholic archbishop or bishop in Ireland, from assuming the style or title of dignitaries belonging to the Protestant church. The hon. Member for Mayo had, therefore, judged right; and in stating, that he had made the erasure of the words originally attached to the signature by the authority of Dr. M'Hale, he only regretted that he had not also been authorised by that gentleman to take away from the heading the descriptive title of the Archbishop of the province of Tuam.

Mr. *O'Connell* said, the hon. Member who had just sat down was totally mistaken in saying, that there was any law prohibiting a Roman Catholic archbishop from taking the title of Archbishop of Tuam. There was now no such province in the Established Church, and, therefore, there was no contravention of the Emancipation Act. And it could not be alleged that there was any offence committed by him in so doing against the common law, for in point of fact at common law he was the only person now existing who could assume the title. The hon. and learned Member for the University of Cambridge had himself admitted that no action would lie against Dr. M'Hale for assuming it. Let them try the question on the petition. Lord Stanley's act had destroyed the title in the Protestant church, and therefore there was no assumption of the style or titles of the dignitaries of the Protestant Church. There was, therefore, no breach of the statute, and Dr. M'Hale was, therefore, perfectly entitled to describe himself as Archbishop of Tuam.

Sir *R. Inglis* was not prepared to support the rejection of the petition. The view he took of the case was this. The party by himself or his agent, had erased the words "Archbishop of Tuam," and thus had withdrawn his illegal claim to that title, and virtually admitted, therefore, his knowledge and conviction to the House, that the title which he was at first disposed to assume was not tenable. He had thus in a public document formally and publicly renounced his claim to the title of Archbishop of Tuam. It was on that ground, that he did not feel himself warranted in voting against the receiving of this petition. Although the petition was headed as that of the Roman Catholic Bishop and clergy of Tuam, *non* *constat*, that those signing it claimed those titles. It was important, however, as the title of Archbishop of Tuam had been once assumed to know, that it had been formally withdrawn.

Mr. *D. Browne* said, the hon. Baronet had completely misunderstood him. He begged to say that Dr. M'Hale had not the most distant intention of renouncing the title. Dr. M'Hale had written to him authorising him to erase the designation, if contrary to the privileges of the House, and thus cause the petition to be rejected; but he still maintained his claim to the title, believing that he was the only existing Archbishop of Tuam.

Mr. *Freshfield* said, the House ought to reject the petition. It had been argued that the whole difficulty was removed, because the hon. Member who offered it to the House had erased the words "Archbishop of Tuam," originally attached to the signature. That, in his opinion, did not at all alter the case. It was still the petition of the same persons, and their character was not altered by that subsequent erasure. It had been drawn up and signed by Dr. M'Hale, in the assumed style and title of Archbishop of Tuam, and if he had merely put his mark to it, that would have been an adherence on his part to the description given of him and the other petitioners in the heading of the document. That was the main point, the adoption of the title. It had been argued, that the petition might be received as coming from the Roman Catholic clergy, but if the petition were received it would be entered on their records according to the description in its heading. He should vote for the rejection of the petition, therefore, because the petition was offered by Dr. M'Hale, as Archbishop of Tuam—because the hon. Member for Mayo had distinctly stated, that Dr. M'Hale would not withdraw or compromise his claim to the title—and because he believed it was essential to take that course for the maintenance of true Protestant feeling, and for the vindication of the character and dignity of the House.

Dr. *Lushington* had been pondering in his mind what probably would be the effect of this debate on the minds of the people of Ireland. He begged to remind the House that it was a matter of the greatest importance to retain the confidence, and, if possible, the esteem and affection of seven millions of their fellow-subjects, although they happened to profess a faith different from the Established Church. When this debate went forth to the public, and when the people of Ireland saw a petition emanating not only from the chief Prelate of their Church, but from other clergymen of that Church—when they saw such a petition rejected on such ground of informality, he must say that it would carry conviction to the minds of the people of Ireland that the House was anxious and astute to avail themselves of every technical difficulty which the law allowed to shut their ears to their petitions, and to prevent an inquiry into the grievances of which they complained. He felt that if the House resolved to reject this petition from being influenced by the high Protestant feeling expressed by hon. Members opposite, they would give rise to much cause for offence on the part of the Roman Catholic people of Ireland. Now that the union had taken place, and the Emancipation Bill was passed, the House ought to consider petitions, come from what quarter they might, whether from Roman Catholics, Churchmen, or Dissenters, all in the same light, and on a footing of equality. Let the House consider the objection itself. He would suppose for a moment that it was a misdescription of one individual in the petition. It might be possible, perhaps, to point out one instance; but he defied any one to show him generally a petition, signed by persons giving themselves certain descriptions, unless in the case of corporations, where the House had examined strictly into the legal rights of the parties to the titles or characters which they assumed. It was said that a character was assumed by a person signing this petition not allowed by law. That was the charge. It was not asserted to be a violation of the Act of Parliament. If Dr. M'Hale had assumed a title belonging to any existing Protestant body, and if the House had evidence of that fact, then they might have grounds for deciding to reject the petition. But there was no one who claimed to be the Protestant Archbishop of Tuam. The case was, therefore, limited to that; and, under these circumstances, there was no provision in law to prevent a Roman Catholic bishop from assuming the title of Archbishop of Tuam. There was no person who could say that there was an Archbishop of Tuam in law. Was it worth while, then—nay, was it wise, was it prudent, or even decent, upon an objection of this kind, to reject a petition containing a statement of the feelings and opinions of a large portion of the clergy and people of Ireland?

Sir *G. Clerk* was surprised at the warmth evinced by the right hon. and learned Gentleman on a question of mere form in their proceedings. He agreed with that right hon. and learned Gentleman that to object to the reception of a petition coming from the Catholic clergy of Ireland upon a subject on which they appeared to take a deep interest, upon a mere point of form, was a step which ought not to be taken. He thought it was very easy for the hon. Member for Mayo to escape from the difficulty. That hon. Member had stated, that he was authorised by Dr. M'Hale to strike off the adjunct of Archbishop of Tuam to his signature in the petition; why not also strike out the same designation at the head of the petition, and then the petition would appear to be from the Roman Catholic clergy in certain parts of Ireland. The noble Lord, the Secretary of State for the Home Department, on a former occasion stated, that he had refused to present an address to her Majesty to which a Catholic Archbishop had signed his name as Archbishop. This being so, he hoped the hon. Member for Mayo would not object to withdraw the petition for the purpose of making the alteration suggested.

Mr. *Dillon Browne* said, that although he had been authorised by Dr. M'Hale to strike off the adjunct to his signature, yet he had no authority to make any other alteration in the petition, inasmuch as it was not merely the petition of Dr. M'Hale, but of a large portion of the Catholic clergy.

Mr. *Goulburn* suggested, that by striking out the word "Tuam" at the head of the petition, the difficulty might be obviated.

Lord *John Russell* confessed that he was unable to give any very competent opinion upon this subject, because a great part of the discussion had taken place before he entered the House. He wished, however, that the House should be relieved from the difficulty of deciding upon the question. There was an obvious objection to the hon. Member for Mayo making any alteration in the petition; on the other hand, the statement that it was the petition (among others) of the Archbishop of Tuam, placed the House in a situation of very great difficulty; because, if they rejected the petition on that ground, it might be conceived to be a captious objection; and yet, at the same time, it was obvious, that to receive such a petition would be contrary to the spirit of the Act of Parliament—the description evidently militating against the spirit of the Act, although it might not against the letter. As the hon. Gentleman had stated, that he had no authority to withdraw the petition or to alter the wording of it, he should certainly feel compelled, if the question were pressed, to vote against its being received.

Mr. *M. J. O'Connell* admitted, it might be true, as the noble Lord said, that this was a violation of an Act of Parliament, but that Act was in its nature a penal one against the people of Ireland, and therefore he was not inclined to extend its operation one jot beyond what was in strictness the letter of the Act. It was admitted, that there was no violation of the letter of the law; it would, therefore, produce a strange effect in Ireland, to hear it said that the House of Commons was inclined to do what no court of law ever did, namely, extend a penal Act beyond the letter.

The House divided on the question, that the petition do lie on the table: Ayes 82; Noes 165: Majority 83.

List of the AYES.

Anson, Sir G.
Attwood, T.
Barnard, E. G.
Barron, H. W.
Bewes, T.
Blake, W. J.
Brotherton, J.
Bryan, G.
Buller, C.
Busfield, W.
Butler, hon. Colonel
Callaghan, D.
Chapman, Sir L.M.C.
Chester, H.
Childers, J. W.
Codrington, Admiral
Collins, W.
Donkin, Sir R. S.
Duff, J.
Duncombe, T.
Dundas, F.
Eliot, Lord
Ellice, rt. hon. E.
Ellice, E.
Ellis, W.
Evans, Sir De L.
Evans, G.
Evans, W.
Fielden, J.
Ferguson, Sir R. A.
Ferguson, R.
Finch, F.
Hawes, B.
Hawkins, J. H.
Hector, C. J.
James, W.
Lambton, H.
Langdale, hon. C
Langton, W. G.
Leader, J. T.
Lister, E. C.
Lushington, C.
Lushington, rt. hon. S.
Macnamara, Major
Molesworth, Sir W.
Murray, A.
Nicholl, J.
O'Connell, D.
O'Connell, J.
O'Connell, M.
Ord, W.
Parrott, J.
Pattison, J.
Philips, M.

Phillpotts, J.
Pigot, D. R.
Power, J.
Pryme, G.
Rich, H.
Rundle, J.
Salwey, Colonel
Scholefield, J.
Seale, Sir J. H.
Sharpe, General
Somers, J. P.
Somerville, Sir W. M.
Stansfield, W. R. C.
Stuart, V.
Strutt, E.
Thornely, T.
Wallace, R.
Warburton, H.
Ward, H. G.
White, A.
White, S.
Williams, R.
Williams, W.
Winnington, T. E.
Wood, G. W.
Worsley, Lord
Wyse, T.
Yates, J. A.

TELLERS.
Browne, R. D.
O'Connell, M. J.

List of the NOES.

Alsager, Captain
Arbuthnot, hon. H.
Ashley, Lord
Bailey, J.
Bailey, J. jun.
Baker, E.
Baring, hon. W. B.
Barneby, J.
Barrington, Visct.
Bentinck, Lord G.
Bethell, R.
Boldero, H. G.
Broadley, H.
Brownrigg, S.
Buck, L. W.
Burr, H.
Burrell, Sir C.
Burroughes, H. N.
Campbell, Sir J.
Canning, rt. hon. Sir S.
Cartwright, W. R.
Christopher, R. A.
Clerk, Sir G.
Clive, hon. R. H.
Codrington, C. W.
Cole, Viscount
Colquhoun, J. C.
Compton, H. C.
Copeland, Alderman
Corry, hon. H.
Courtenay, P.
Crawford, W.
Cresswell, C.
Darby, G.
Darlington, Earl of
Dennistoun, W. J.
De Horsey, S. H.
D'Israeli, B.
Duffield, T.
Dugdale, W. S.
Dunbar, G.
Duncombe, hon. W.
Du Pre, G.
Eastnor, Visc.
Eaton, R. J.
Egerton, W. T.
Egerton, Sir P.
Erle, W.
Farrand, R.
Fazakerly, J. N.
Feilden, W.
Fellowes, E.
Filmer, Sir E.
Fitzroy, Lord C.
Fleming, J.
Follett, Sir W.
Freshfield, J. W.
Gladstone, W. E.
Goddard, A.
Gordon, hon. Capt.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Grant, F. W.
Grey, rt. hon. Sir G.
Grimsditch, T.
Grosvenor, Lord R.
Hale, R. B.
Harcourt, G. G.
Heathcote, Sir W.
Heneage, E.
Hepburn, Sir T. B.
Herbert, hon. S.
Herries, rt. hon. J. C.
Hill, Sir R.
Hobhouse, rt. hn. Sir J.
Hodges, T. L.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Holmes, hon. W. A'C
Holmes, W.
Hope, hon. C.
Hope, G. W.
Howick, Visct.
Hughes, W. B.
Ingestrie, Lord
Inglis, Sir R. H.
Irton, S.
Irving, J.
Jackson, Mr. Sergeant
Jones, Capt.
Kemble, H.
Kelburne, Viscount
Knight, H. G.
Labouchere, rt. hon. H.
Lascelles, hon. W. S.
Lefroy, rt. hon. T.
Lennox, Lord A.
Liddell, hon. H. T.
Lincoln, Earl of
Lockhart, A. M.
Long, W.
Lowther, J. H.
Lygon, hon. General
Mackenzie, T.
Macleod, R.
Mahon, Lord Visc.
Manners, Lord C. S.
Maunsell, T. P.
Miles, W.
Mordaunt, Sir J.
Muskett, G. A.
Norreys, Lord
Packe, C. W.
Paget, F.
Pakington, J. S.
Palmer, R.
Palmer, G.
Parker, J.
Patten, J. W.
Peel, rt. hon. Sir R.
Perceval, Colonel
Perceval, hon. G. J.
Planta, rt. hon. J.
Plumptre, J. P.
Pollen, Sir J. W.
Powerscourt, Visct.
Praed, W. T.
Price, R.
Pusey, P.
Rae, rt. hon. Sir W.
Richards, R.
Rolleston, L.
Round, C. G.
Rushbrooke, Colonel
Russell, Lord J.
Russell, Lord C.
Sandon, Viscount
Shaw, rt. hon. F.
Sheppard, T.
Shirley, E. J.
Sinclair, Sir G.
Smith, A.
Somerset, Lord G.
Speirs, A.
Stanley, E.
Stanley, E. J.
Stanley, Lord
Stanley, W. O.
Staunton, Sir G. T.
Steuart, R.
Stuart, W. V.
Sturt, H. C.
Teignmouth, Lord
Tennant, J. E.
Turner, W.
Tyrell, Sir J. T.
Waddington, H. S.
Wall, C. B.
Whitmore, T. C.
Wilde, Sergeant
Wilmot, Sir J. E.
Winnington, H. J.
Wood, T.
Wynn, rt. hon. C.
Young, J.

TELLERS.
Fremantle, Sir T.
Law, hon. C. E.

Petition rejected.

CHURCH LEASES.] Mr. *Lambton* wished to ask the noble Lord, whether it was his intention this Session to introduce any measure founded on the recommendation of the committee on Church Leases. The holders of that property could not at present borrow money on that security, owing to the unsettled state of the question, and it was of importance that some measure should be enacted as speedily as possible.

Lord *John Russell* was fully aware of the importance of the subject to which the hon. Member had referred, but from the many difficulties attendant on it, he begged to say, it was not his intention to propose any bill on the subject during the present Session, but early next Session he hoped to be able to submit to the House some measure that would prove satisfactory to the country.

CANADA.] The order of the day for the resumption of the adjourned debate upon Canada, and the first resolution,—

"That it is the opinion of this House, that it is expedient to form a legislative union of the provinces of Upper and Lower Canada, on the principles of a free and representative government, in such a manner as may most conduce to the prosperity and contentment of the people of the united provinces,"
having been read,

Lord *John Russell* asked for leave to withdraw the resolution which had been read, intending immediately to ask for leave to bring in a bill.

Lord *Stanley* said, that his objection the other day was to the mode which had been adopted by her Majesty's Government. His desire was, that no opinion should be given by the House as to the expediency or the practicability of uniting the two provinces of Upper and of Lower Canada, till they saw the details of the bill to effect that object; and as the noble Lord had proposed to withdraw the resolution, which as he (Lord Stanley) thought unnecessarily and improperly pledged the House to the abstract principle, his purpose had been altogether answered. He had no objection to the course now proposed, or to the noble Lord's proceeding by bill; on the contrary, he was most anxious to see the mode in which it was intended to deal with this question, for it was most desirable, not only for this country, but for all persons in Upper and Lower Canada, that the views of her Majesty's Government should be known at as early a period and as distinctly as possible; and he regretted that the noble Lord should think that it was not possible to carry out their intentions during the present Session. The interests involved were so important, that it was desirable that there should be no party discussion; and considering what had passed, and the present condition of the colonies, he thought that it would be better that there should not be any partial debate into which topics of an irritating nature might be introduced upon the present occasion. He would therefore content himself with stating the satisfaction he felt at the course which had been pursued by the noble Lord, and he would abstain altogether from expressing any opinion upon the measure till he was in possession of the bill.

Resolution withdrawn.

Lord *John Russell* would proceed to move for leave to bring in two bills, which he stated he would submit when he wished to withdraw the resolution, and, with the noble Lord, he felt that it would be unnecessary now to have any discussion, or to ask for the opinion of the House. After what he had stated the other day in proposing that resolution, as to the general views of her Majesty's Government, it was not necessary for him, nor would it be advantageous, that he should enter into any details on the subject of Canada. He might state generally, that it was their opinion, that upon the whole, it was most advantageous that the two provinces of Upper and Lower Canada should be united; but that it would expose such union to great risk, and to a great probability of failure, if they did not previously take all possible means to provide for legislation in Lower Canada, so that no topics of irritation should exist at the first meeting of the Assembly of the united provinces. With this view he proposed, that till the period of the union, efficient and certain powers should be intrusted to the Government of this country, and to the Governor in Canada, for effecting this desirable change in the legislation of that colony. It was stated, that practically there was now an important obstacle to those proceedings which were necessary to avert immediate danger. He, therefore, proposed to introduce a bill for the temporary continuance of the Act of last Session for the suspension of the constitution, so that the colony might be brought to a desirable state before the bill for the union should come into operation. By the new bill he intended to amend the Act of last Session in several particulars. He proposed, in the first place, to alter that clause of the Act in which so much difference of opinion was expressed last Session in that House—a difference of opinion which had extended to the judicial bench in Canada. It had been stated upon high authority, not, indeed, by any person holding any judicial office, but by persons of eminent legal authority, that the bill of last Session did not authorise the Governor to suspend the *Habeas Corpus* Act, or to take other immediate measures to prevent treason. He would now propose to alter the clause which was generally known as Sir William Follett's clause, and to limit its operation to measures affecting the clergy, whether Protestant or Catholic, or affecting the tenures of land. It was stated by the hon. and learned Gentleman, that this was the principal object which he had in view, and that whatever the legal effect of the clause might be, he did not intend it to prevent necessary measures of legislation. Another inconvenience which was felt, was the want of a power to impose taxes for strictly local purposes, such as the watching, and the local roads. He proposed, therefore, to alter the clause introduced by themselves, and to give power to impose rates and taxes; these were not to be paid into the public treasury, but to be applicable only for local purposes, for the watching and the roads. He likewise proposed that the powers given under that Act to the Governor and Council should be continued for eighteen months beyond the period at which they would now by law expire. That Act would now expire in November 1840, and he proposed, that with the alteration to which he alluded, it should be continued till March 1842. He did not say, that that was the precise period of extension that was necessary. It might be possible to call together the General Assembly of the united provinces before that time; but it was better to state in the bill a time beyond which it was improbable that it would be necessary to continue the Act. If her Majesty's Government found that it was the general wish and opinion of both provinces, that the united Assembly should meet earlier, the special powers given by this bill might meet at that time. With regard to the other bill for the union of the two provinces, as a consequence of not proceeding to enact a law in the present Session, it might be necessary to change some of the proposed provisions. The bill, however, which he would ask leave to introduce, provided for the establishment of a central district at Montreal and its neighbourhood, in which the government should be carried on, and where the Assembly should meet. The other parts of Upper Canada and of Lower Canada were each to be divided into two districts. It was proposed, that these districts should be formed for the purpose of becoming municipal districts for the imposition of taxes and rates for all local purposes. He need not, then, enter into the reasons which, in his opinion, justified such a proposition. It had been intended to have local commissioners belonging to the former legislative assemblies of Lower Canada and of Upper Canada, to ascertain and fix the districts to return members to the united Assembly; but in consequence of the recent change of intention, it was thought better that the division should be effected by direct enactment by the Imperial Parliament receiving all the local information that could be obtained as to the boundaries and districts. Those boundaries and districts were not defined by the bill, but they were referred to as to be defined in the schedule. He had said, that it was proposed to have a central district, and that there were to be four other districts. Each of these districts was to be divided into nine other divisions, so that there would be in the whole, supposing each such division to return two members, ninety members for the different divisions or electoral districts. In addition to these, he proposed that the four largest towns should each return two members, making ninety-eight members in the whole. He believed, that he had stated on a former occasion, his opinion as to the Legislative Council, and other parts of the bill relating to the local legislature. He would not, therefore, now go into them. It would be better that the House should see the bill itself, and judge of its provisions, rather than that he should enter into any further explanation at present, and he would content himself with moving for leave to bring in a bill to re-unite the provinces of Upper and Lower Canada.

Sir *Robert Peel* concurred with his noble Friend, in thinking that in a matter of so much importance, it would be better to postpone all discussion upon the bill till they had an opportunity of examining the provisions. He wished, however, to ask the noble Lord one or two questions. The noble Lord had said, that he had stated his views with respect to the Legislative Council, and, as he understood the noble Lord, that council ought to remain constituted upon the same principle as at present. Upon a matter of so much importance, without meaning to provoke any discussion, he would ask the noble Lord to explain the principle on which the council would be constituted? The other question which he wished to ask was, whether the elective franchise for the five districts for constituting municipal bodies, having power to impose local rates and taxes, was to be identical with the elective franchise in the counties?

Lord *John Russell* replied, with regard to the first question, that what he had stated upon a former occasion was, that he did not propose to depart from the principle that the Legislative Council should be named or proposed by the Crown, but that some care should be taken, pursuant to the resolution of that House, to select men of some mark on whom the confidence of the Crown had been bestowed, or who were entitled to confidence in consequence of the elections of the people. He would provide, therefore, that the Council should be composed of persons who had either held some office of consequence or importance, or of well-known authority, or of Members of the Assembly. Certain qualifications, therefore, were to be insisted on, and the selection was not to be left to the caprice of the Governor, who could not, for the future, appoint persons unknown in, or not belonging to, the province. The Members of this Council, too, were not to be appointed for life, but were to hold office for eight years only. With regard to the franchise, the right of election was to be the same for the municipal and the general elections.

Sir *R. Peel* inquired whether, at the end of the eight years, it was to be in the power of the Crown to re-appoint the parties?

Lord *J. Russell* answered, that the Crown was to have power to re-appoint.

Leave given to bring in the bill.

Lord *J. Russell* next moved for leave to bring in a bill to continue and amend the act 1 Vict. c. 9, for making temporary provision for the Government of Lower Canada.

Mr. *C. Buller* would not allow to pass through a single stage, without giving to it his strenuous opposition, a bill to continue the present system of provisional government, were it not that the bill not merely continued the present system, but it also gave to the Special Council a power which they did not at present possess. His experience, however, of Canada, convinced him that, leaving the Special Council with its present limited power, would be leaving the colony without any legislative power at all. A bill, therefore, having for its object to give to the Council further powers, ought to pass in some form or other, though he would oppose, in the most strenuous manner, any attempt to continue, unaltered, the present provisional and arbitrary power in Lower Canada.

Sir *C. Grey* would venture to say, with reference to what had fallen from the hon. and learned Member for Liskeard, that the best thing the Government or that House could do, under present circumstances, was, to continue the powers of the Governor and Council. The only other remark he had to offer, related to a statement which he had heard made, that neither the Government nor the Imperial Legislature had done anything to extricate the province of Lower Canada from the difficulties in which it was placed. That was an erroneous view of the case; and if hon. Members would look back, they would find that much had been done, and that they were now in a situation which rendered them more capable of dealing with the difficulties which they had to encounter, than they were five years ago. They had made two very important steps. They had suspended the Constitution, a proceeding which he considered absolutely necessary for the final settlement of the Government, and they had got into their hands those revenues which were absolutely necessary for carrying on the government. The revenue of the colony was more than double what was necessary for carrying on the government. He should not trouble the House further at that time, but reserve his remarks until the bills which it was proposed to introduce were laid upon the Table.

Leave given.

METROPOLIS POLICE BILL.] On the motion of Lord *John Russell*, the House resolved itself into Committee on the Metropolis Police Bill.

On clause 31,

Captain *Boldero* objected to it, because it provided that the superannuation fund, out of which the half-pay of the men would have to be paid, would accumulate out of stoppages from their pay in cases of sickness, of fines for assaults and other petty offences, and by the sale of their old clothing. It was especially unfair, he thought, that the proposed stoppages should form any part of the fund. Indeed, as the clause stood, the superannuation was no boon to the men, but their absolute right from their own contributions. They were an intelligent body of men, possessed of great physical and moral courage, and after the harassing servitude of fifteen years, were deserving of half-pay from the public as a matter of right, and not as a result of their own contribution. He had no amendment to offer, but threw out the suggestion to the framers of the bill.

Mr. *Fox Maule* said, the clause had

been inserted to enable the Commissioners to reward those who suffered in the service, or remained during the specified period—a power not previously possessed; and by a very trifling reduction, that of 50*s.* a-year from their pay, with the other items, they would, under the present bill, be provided for in the way they deserved.

Sir *R. Peel* said, every encouragement should be given to the men. In this the public at large was deeply interested. Every inducement should be held out to respectable and well-behaved men to become members of the force; for upon them much of public liberty and safety depended, and the protection of property at all times, but most particularly so at night. It was unwise, therefore, to curtail them of their pay. And he did not think that they should have anything short of 52*l.* a-year; indeed, the sum first proposed to paid to them was 60*l.* a-year.

Mr. *T. Duncombe* said, that, adding the fines for assaults and other minor cases to the superannuation fund was an inducement to the men to commit perjury.

Mr. *Goulburn* rejoiced that the fines would go into the general fund, out of which the superannuations would be paid; and it was too much to suppose that the police would be guilty of false-swearing for so indirect a mode of contributing to their own superannuation, particularly when they would have to wait fifteen years for a chance of participation.

Lord *John Russell* observed, that the necessity for the creation of a superannuation fund had been long obvious.

Clause agreed to.

On clause 47, which provides that all booths, caravans, and other places of entertainment at fairs, shall be shut at eleven o'clock in the evening, until six in the morning, and gives the police a power to take into custody the keeper of such place of entertainment, if kept open beyond eleven o'clock or before six, or any person present in such place of entertainment in violation of the Act, if he shall have refused to quit on being desired so to do; the clause further imposing a penalty of 5*l.* in the former case, and 2*l.* in the latter.

Colonel *Sibthorp* opposed the motion as a most unnecessary and unwarrantable interference with the amusements of the public. He did not see why the people should not have as much right to stay at a fair as her Majesty's ministers had to go to Blackwall to eat whitebait. The hon. and gallant Member concluded by moving the omission of the clause.

The Committee divided, on the question that the clause stand part of the Bill.—Ayes 54: Noes 8: Majority 46:—

List of the Ayes.

Abercromby, hon. G. R.
Aglionby, Major
Baring, F. T.
Blair, J.
Butler, hon. Colonel
Chester, H.
Clive, E. B.
Craig, W. G.
Curry, Mr. Sergeant
Darby, George
Davies, Colonel
Elliot, hon. J. E.
Ferguson, Sir R. A.
Goulburn, rt. hon. H.
Grey, rt. hon. Sir G.
Hawes, B.
Hobhouse, T. B.
Hope, G. W.
Horsman, E.
Kemble, H.
Kinnaird, hon. A. F.
Law, hon. C. E.
Litton, E.
Mackenzie, T.
Macleod, R.
Marsland, H.
Maule, hon. F.
Melgund, Lord Visct.
Morris, D.
Nagle, Sir R.
Norreys, Sir D. J.
Pigot, D. R.
Plumptre, J. P.
Pryme, G.
Rice, E. R.
Rickford, W.
Rolfe, Sir R.
Rundle, J.
Russell, Lord J.
Russell, Lord C.
Rutherfurd, rt. hon. A.
Smith, B.
Stansfield, W. R. C.
Steuart, R.
Stewart, J.
Stock, Dr.
Tancred, H. W.
Teignmouth, Lord
Vigors, N. A.
Warburton, H.
Williams, W. A.
Wood, Sir M.
Wood, T.
Young, J.

TELLERS.

Dalmeny, Lord
Parker, J.

List of the Noes.

Barnard, E. G.
Dundas, C. W. D.
Finch, F.
Hodgson, R.
Knatchbull, right hon. Sir E.
Salwey, Colonel
Talfourd, Mr. Sergt.
Williams, W.

TELLERS.

Sibthorp, Colonel
Duncombe, T.

Clause agreed to:

On Clause 67,

Mr. *T. Duncombe* thought, that the section which inflicts a punishment of fourteen days' imprisonment on persons found drunk in the streets should be altered, so that such punishment should not be inflicted in the case of labouring men. Hitherto the discretion vested in the magistrates had been but too generally exercised in favour of the higher classes. However, he thought the whole clause objectionable, because it was confined to a particular locality. It was absurd, that a man should be imprisoned for drunkenness in London, while he might go down to Windsor and get drunk without being liable to any other punishment than a fine of five shillings.

The clause was amended by the substitution of "seven," days for "fourteen."

The Committee divided on the clause—Ayes 75; Noes 7: Majority 66.

List of the AYES.

Abercromby,hon.G.R.
Aglionby, Major
Alsager, Capt.
Archbold, R.
Bailey, J.
Baines, E.
Baring, F. T.
Barry, G. S.
Beamish, F. B.
Bewes, T.
Blake, W. J.
Busfeild, W.
Chalmers, P.
Clive, E. B.
Collier, J.
Colquhoun, J. C.
Curry, Mr. Sergeant
Davies, Colonel
Donkin, Sir R. S.
Elliot, hon. John E.
Filmer, Sir E.
Finch, F.
Goulburn, rt. hon. H.
Hawes, B.
Hepburn, Sir T. B.
Hindley, C.
Hobhouse, T. B.
Hodgson, R.
Hope, G. W.
Horsman, E.
Howick, Lord Visct.
Hutton, R.
Kemble, H.
Kinnaird, hon. A. F.
Knatchbull, rt. hon. Sir E.
Law, hon. C. E.
Marsland, H.
Morris, D.
Nicholl, J.
Noel, hon. W. M.
O'Connell, J.
O'Ferrall, R. M.
Pigot, D. R.
Plumptre, J. P.
Pringle, A.
Rae, rt. hon. Sir W.
Rice, E. R.
Rickford, W.
Round, C. G.
Rundle, J.
Russell, Lord J.
Rutherfurd, rt. hon. A.
Salwey, Colonel
Sandon, Lord Visct.
Scholefield, J.
Scrope, G. P.
Sheppard, T.
Smyth, Sir G. H.
Somerset, Lord G.
Steuart, R.
Stock, Dr.
Strutt, E.
Talfourd, Mr. Sergt.
Teignmouth, Lord
Thorneley, T.
Vigors, N. A.
Wallace, R.
Warburton, H.
White, A.
Wilbraham, G.
Williams, W. A.
Winnington, T. E.
Wood, C.
Wood, Sir M.
Wood, G. W.

TELLERS.
Maule, F.
Rolfe, Sir R.

List of the NOES.

Craig, W. G.
Dundas, C. W. D.
Pechell, Capt.
Sibthorp, Colonel
Smith, B.
Williams, W.
Wood, T.

TELLERS.
Duncombe, T.
Darby, Mr.

Upon clause 68,

Mr. *Williams* said, it was very inconsistent. The penalties affixed by these clauses to petty offences, did not extend to the city of London. He believed, indeed, the noble Lord would not venture to attempt such an extension, or he would be frightened out of it the next day, and be counselled by the hon. Alderman below him (Sir M. Wood), to abandon it, in order to conciliate the good will of the citizens of London.

Mr. *Fox Maule* said, it was intended to introduce clauses which would have the effect of including the city, on the bringing up of the report.

Mr. *C. Law* complained that this would be a violation of the pledge given to the city. It was promised, that the principle of the new enactment should not be introduced into the city; but it seemed to be intended to introduce the substance of it in details.

Mr. *Fox Maule* said, that the pledge applied to the management of the police force, which would be left with the city. But there was no pledge to exempt the city from any changes that Parliament might think fit to make in the criminal law.

Sir *Matthew Wood* said, that when the clauses extending this part of the enactment to the city were brought up, he would be happy to support them.

Clause agreed to.

House resumed. Bill reported.

IMPRISONMENT FOR DEBT ACT AMENDMENT BILL.] The order of the day for the House resolving itself into a Committee on this bill was read. On the motion, that the Speaker do now leave the chair,

Mr. *Sheppard* moved, that it be an instruction to the Committee, to introduce the following amendment:—"And be it further enacted, that the judgment required by the beforesaid act, previous to a debtor's discharge, subjecting any property that may otherwise accrue to the debtor, at any period (exclusive of all assets, prospects, and claims set forth in his schedule), shall cease to be of effect beyond the term of three years from the date of the discharge of the debtor."

The *Attorney-General* felt it his duty reluctantly to oppose the motion of the hon. Member for Frome. It must be remembered, that this was not a general bill to revise the law of imprisonment for debt, but merely a bill brought in for the specific purpose of doing away with the great grievance to newspaper proprietors, which compelled them to insert advertisements relating to insolvent debtors at 3*s.* each, without reference to the length to which those advertisements might extend.

Instruction withdrawn.

Bill went through the Committee; and to be reported.

HIGH SHERIFF'S EXPENSES.] On the motion for the third reading of the High Sheriff's Expenses Bill,

Sir *Edward Knatchbull* objected to proceeding with a measure of so much importance at so late an hour of the night. The bill had now advanced to its last stage, but had never yet been discussed or considered. He should certainly oppose the motion.

The House divided.

Ayes 40; Noes 16; Majority 24.

List of the AYES.

Adam, Admiral
Archbold, R.
Baines, E.
Baring, F. T.
Beamish, F. B.
Blake, W. J.
Brotherton, J.
Busfield, W.
Chalmers, P.
Duncombe, T.
Elliot, hon. J. E.
Hastie, A.
Jervis, J.
Lemon, Sir C.
Maule, hon. F.
Mildmay, P. St. John
Morpeth, Lord Visct.
Morris, D.
Norreys, Sir D. J.
O'Connell, M.
O'Ferrall, R. M.
Pechell, Captain
Pigot, D. R.
Power, J.
Pryme, G.
Redington, T. N.
Russell, Lord John
Rutherfurd, rt. hon. A.
Salwey, Colonel
Stanley, hon. E. J.
Stanley, W. O.
Steuart, R.
Stewart, J.
Strutt, E.
Tancred, H. W.
Turner, W.
Wallace, R.
Warburton, H.
Westenra, hon. H. R.
Winnington, H. J.

TELLERS.
Davies, Colonel
Parrott, J.

List of the NOES.

Aglionby, H. A.
Burroughes, H. N.
Collins, W.
Darby, G.
Filmer, Sir E.
Finch, F.
Gore, O. J. R.
Grimsditch, T.
Hector, C. J.
Hobhouse, T. B.
Hodgson, R.
Kelburne, Lord Visct.
Plumptre, J. P.
Rice, E. R.
Talfourd, Mr. Sergt.
Williams, W. A.

TELLERS.
Knatchbull, Sir E.
Barneby, J.

On the question, that the bill do pass,

Mr. *Barneby* objected to the second clause, because the Sheriffs would be able to appoint their own dependents, as javelin-men, and call upon the county to clothe and pay them.

He moved the omission of part of the clause.

Mr. *F. T. Baring* said, that the sheriffs were answerable for the javelin-men, and therefore ought to have the appointment.

The House again divided on the question that the clause remain:—Ayes 36; Noes 17:—Majority 19.

List of the AYES.

Adam, Adml.
Archbold, R.
Baines, E.
Baring, F. T.
Beamish, F. B.
Busfield, W.
Chalmers, P.
Duncombe, T.
Eliot, hon. J. E.
Hastie, A.
Jervis, J.
Lemon, Sir C.
Maule, hon. F.
Mildmay, P. St. John
Morpeth, Visct.
Morris, D.
Norreys, Sir D. J.
O'Connell, M.
O'Ferrall, R. M.
Parrott, J.
Pechell, Capt.
Pigot, D. R.
Power, J.
Pryme, G.
Redington, T. N.
Russell, Lord J.
Rutherfurd, rt. hon. A.
Salwey, Col.
Stanley, hon. W. J.
Stanley, W. O.
Steuart, R.
Stewart, J.
Turner, W.
Warburton, H.
Westenra, hon. H. R.
Winnington, H. J.

TELLERS.
Davies, Col.
Wallace, R.

List of the NOES.

Aglionby, H. A.
Brotherton, J.
Burroughes, H. N.
Collins, W.
Filmer, Sir E.
Finch, F.
Gore, O. J. R.
Grimsditch, T.
Hector, C. J.
Hobhouse, T. B.
Hodgson, R.
Knatchbull, right hon. Sir E.
Plumptre, J. P.
Rice, E. R.
Talfourd, Mr. Sergt.
Thompson, Mr. Ald.
Williams, W. A.

TELLERS.
Darby, G.
Barneby, J.

Bill passed.

POOR-LAW ACT.] Lord *John Russell* moved for leave to bring in two Bills, one to continue the Poor-law Commission for one year, the other to amend the law relative to the assessment and collection of rates to the Poor-law Amendment Act. He had already stated, that it was too late in the present Session to introduce the bill he had originally intended as to details, which had been under discussion both in the House and before a Select Committee; but all he now proposed to do was, to make a provision to prevent any occurrence to put an end suddenly to the Poor-law Commissions. The bill would provide for the continuance of the commission for a year longer than it would now exist by law; it would now expire at the end of the next Session of Parliament. He wished, also, to introduce a bill to amend the system of the collection of rates. Much difficulty and inconvenience was now felt in the collection of the rates, in consequence of the different authorities between the board of guardians and the overseers. By this bill, he proposed to enable the board of guardians to order the collection of the county and other rates collected with the poor-rates, Mr. *Darby* regretted that the noble Lord did not mean to introduce the bill as he originally intended; particularly he regretted, that he had omitted from this bill an alteration of the bastardy clause. He would also refer to the Report of the Committee of 1837, in which the special attention of Members was directed to the cases of widows with children; of men who were married before the Poor-law came into effect, who had large families; and persons who were unable to work. And as the proposed bill was only to last for a year, he thought that it would be a good opportunity to try to amend these points. He had had much experience with respect to the working of the Poor-law Bill, and the noble Lord would do him the credit of saying, that he had not factiously opposed it or used it for any party purpose. He might at first have objected to the Commissioners, but as it was now quite impossible to get rid of the system, they must make the best of it. He had personally received great attention from one of the Commissioners, Mr. Lefevre, whenever he had had occasion to consult him; but he had seen so much mischief from parts of the bill as it stood, that he would be glad to see it altered, and trusted that the amendment would not be made to depend upon any bill which was not likely to pass in the present Session. The bastardy clause, especially, was so drawn that it was perfectly incomprehensible—one part was totally inconsistent with the other, and the judges had said that they could put no construction upon it. He hoped the noble Lord would introduce a bill to clear up these points, and it would be certain of being carried.

Sir *E. Knatchbull* might see, from the absence of any opposition to the noble Lord's motion, that it was not the intention of that side of the House to oppose any obstacle to the introduction of those bills. He regretted, however, that the noble Lord had not brought forward the measure he had intended to propose with respect to this subject, at an earlier period of the session, when it might be fully considered. He thought that, with respect to the bill, for the assessment and collection of rates, it ought not to be brought forward at so advanced a period of the Session.

Lord *J. Russell* hoped the hon. Baronet would give his attention to that bill when in Committee, and he should be happy to attend to any suggestions he might offer.

Leave given.

The two Bills were brought in and read a first time.

HOUSE OF LORDS,

Friday, June 14, 1839.

MINUTES.] Bills. The Royal assent was given to the Designs Copyright; and a number of Private Bills.—Read a third time:—Colonies Legislation.

Petitions presented. By the Earl of Malmesbury, from Ealing, against the Ministerial plan for National Education.—By the Archbishop of Canterbury, from Bath, for the better Observance of the Sabbath.—By the Earl of Roden, from Derbyshire, to the same effect.—By Lord Brougham, from the Vintners, and Licensed Victuallers of London, for Extending their Hours of Business; from the Coopers of Glasgow, for the Repeal of the Timber Duties; from Bourne (Lincolnshire), for a system of Education without Religious Tests; from several places, for a Uniform Penny Postage.

TURKEY AND EGYPT.] Lord *Brougham* wished to observe to his noble Friend, that very great anxiety prevailed relative to the maintenance of peace in the Levant. It was for very many reasons most desirable that peace should be preserved in that quarter of the world, and he hoped that his noble Friend would be able to state to the House that the reports and rumours which had recently reached this country on the subject of impending hostilities in that quarter were unfounded.

Viscount *Melbourne* stated in reply, that he entertained confident hopes that public tranquillity would be preserved in the countries alluded to. But, as the accounts which had arrived lately were of a more menacing character than formerly, he could not answer the question so satisfactorily as he wished.

PRINTING THE BIBLE—(SCOTLAND).] The Duke of *Montrose* presented a Petition from the Senate of the University of Glasgow, praying that measures might be adopted to secure correctness in printing the Bible in Scotland.

The Earl of *Haddington* said, this was a subject of great interest and importance to the Church of Scotland, and he should wish to know whether he rightly understood the intention of Government with respect to the change they were about to make in the present system of printing the Bible. He understood that liberty was to be given to all persons to print the Bible, but that a certain number were to be appointed on whom the responsibility would rest to see that the editions printed were conformable with the authorized versions.

Viscount *Melbourne* readily admitted the great importance of the subject. The object which the Government had in view by their plan was to have the Bible disseminated throughout Scotland as cheaply as possible, and to take care that the price was not enhanced on the plea that a privilege had been granted for the benefit of any particular person. At the same time, it was determined that sufficient care should be taken to secure, as had hitherto been the case, correct copies of the Bible, which should be, under proper superintendence, printed exactly according to the authorized version now in use. With that view, the plan which his noble Friend (Lord John Russell) had recommended to the Crown was, that a Board should be instituted consisting of the Lord Advocate for the time being, the moderator of the General Assembly, two divines, and two learned laymen, who should, from time to time, inspect the publication of the sacred writings, in order that the correctness of the copy might be properly certified. It was also proposed that the free importation into Scotland of Bibles printed in England according to the authorized version should be allowed, such copies being examined and sanctioned by the Board; and that, when a copy was transmitted to the Board, no fee or reward should be taken for certifying its correctness.

Emigration of Free Negroes.] Lord *Brougham* wished to ask if her Majesty's Government had taken any steps with regard to the Colonial Legislatures of Antigua and Montserrat, to revoke certain laws which prevented the removal or emigration of free negroes from one island to another; 6*d.* or 7*d.* per day sterling was the amount of wages given at Montserrat and Antigua, whilst the negroes could get 2*s.* 6*d.* in other islands of the West Indies if allowed to emigrate.

The Marquess of *Normanby* said, the subject had engaged his very anxious attention. He could not say at that moment that any steps had been taken to induce the Legislatures of Antigua and Montserrat to reconsider laws passed in 1836, to which the Royal Assent had been given. It had not been done, because at this moment there would be no advantage in it. He had had communications with different individuals on the subject, who were concerned both with the new and the old colonies. He was aware of the importance of the subject, and should turn his attention to it.

Lord *Ashburton* thought there ought to be no restraint on the negroes, since the Apprenticeship was over.

Lord *Brougham* said, it was necessary to take some precautions to prevent the negroes, who were not so capable of taking care of themselves as white people, from being ill-treated and sold to French or Portuguese colonies. The only limit that should be allowed should be to take care that nothing of that kind took place.

House adjourned.

HOUSE OF COMMONS,

Friday, June 14, 1839.

Minutes.] Bill. Read a third time:—Bills of Exchange.

Petitions presented. By Lords Dungannon, Hotham, Sandon, Ashley, Stanley, the Earl of Lincoln, Sirs R. Peel, R. Inglis, J. Graham, W. Follett, G. Clerk, C. Burrell, Messrs. Freshfield, Hindley, Alsager, Wynn, Pakington, Law, Darby, Kemble, Acland, Pusey, B. Baring, Gladstone, and a number of other Members, from an Immense number of places, against the Ministerial plan for National Education.—By Messrs. Wyse, A. Whyte, P. Thomson, Hindley, C. Lushington, Divett, Pryme, Buller, and Sir Stephen Lushington, from a number of places, in favour of the Government plan for National Education.

National Petition—The Chartists.] Mr. *T. Attwood* said, in rising to present this very extraordinary and important petition, he was aware that the rules of the House would not allow him to enter upon any general statement on the subject to which it referred, nor to go into a defence of the great principles which were there set forth. He should, therefore, endeavour to keep strictly within the rules prescribed by the House, as the proper line of conduct to be observed by Members on presenting petitions, and confine himself to a statement of the substance and contents; and then, perhaps, the House would indulge him by permitting him to say a few words—a few words only—in explanation of the circumstances as regarded his own personal position in connection with the petition. The petition originated in the town of Birmingham. It was adopted there at a very numerous meeting on the 6th of August, last year. Having been so adopted, it was then forwarded to Glasgow, where, in a short time, it received no less a number than the signatures of 90,000 honest, industrious men; and it afterwards received the signatures of nearly the same number at Birmingham and the neighbourhood of that town. He held in his hand a list of two hundred and fourteen towns and villages, in different parts of Great Britain, where the petition had been deliberately adopted and signed; and it was now presented to that House with 1,280,000 signatures, the result of not less than 500 public meetings, which had been held in support of the principles contained in this petition. At each of those meetings there had been one universal anxious cry of distress—distress, he must say, long disregarded by that House, yet existing for years—distress which had caused much discontent amongst the working people, and which discontent was created by the long sufferings and grievances which that class of the people had endured, and so long utterly disregarded by the people's representaitves in that House. [*Order, order.*] He hoped the House would listen to what he said, and would afford due attention to a petition so universally signed; that the House would not say, because the petitioners were merely humble working men that their opinions should be disregarded, and that their grievances should not be considered and redressed. He sincerely trusted that such would not be the case. It would be a most serious grievance and offence to these people who signed the petition, if such were to be the result in the presence of their delegates, who had been allowed to be present to witness its presentation; and it would be most painful for him to have to state such a result, and to carry back a report to those who had intrusted the petition to his hands that it had been treated with any symptoms of disregard or disrespect by that House. The men who signed the petition were honest and industrious—of sober and unblemished character—men who have uniformly discharged the duties of good members of society and loyal subjects, and who had always obeyed the laws. Gentlemen enjoying the wealth handed down to them by hereditary descent, whose wants were provided for by the estates to which they succeeded from their forefathers, could have no idea of the privations suffered by the working men of this country. Yet at all the meetings which have been held, the persons attending them had confined themselves strictly to the legal pursuit of their constitutional rights, for the purpose of remedying the extreme sufferings which they had endured for so many years. They had seen no attempt to relieve their sufferings, whether they were hand-loom weavers, artisans, or agricultural labourers—no matter what they might be, still there was no relief. They met with no support, or even sympathy, from that House, and, therefore, they felt themselves bound to exercise every legal and constitutional effort within their power to recover the whole of their constitutional rights. All that these honest men said was, that the Members of that House by birth, parentage, habits of life, wealth, and education, had not shown that anxiety to relieve the sufferings and redress the wrongs of the working classes, which they believed to be their rights, as enjoying the privileges of British subjects. Therefore, they had adopted the extreme course of entering upon that separate path, with the view of endeavouring to recover those ancient privileges which they believed to form the original and constitutional right of the Commons of England. For many years they had hoped and trusted that such an effort on their part would not be needed. They hoped it might be spared, and they placed their confidence in that hope to the protection which they looked for, and which they were taught to expect they should receive at the hands of the gentlemen of England. He should now read a brief extract from the petition. It stated, that they only sought a fair day's wages for a fair day's work; and that if they could not give them that, and food and clothing for their families, then they said they would put forward every means which the law allowed, to change the representation of that House; that they would use every effort to act upon the electors, and that by these means ultimately, reason thus working upon influence, they should produce such a change as would enable them to succeed in the accomplishment of their views and wishes. He trusted in God they would succeed, and obtain all the objects sought for in the petition. The first thing sought for by these honest men, every one of whom produced by his labour four times more to the country than they asked for in exchange, was a fair subsistence—and yet their country refused them one-fourth of the value of their labours. Not only did the country do that, but some of them had only three days' wages in the week, and hundreds of them were paying 400 per cent. increase on debts and taxes. Such being the case, the House would not be surprised, that these honest men should have used rather strong language under trying circumstances. The first clause of the petition was for universal suffrage; that representation should be co-equal with taxation—the ancient constitutional law of England. It said, that they had been bowed down to the earth for a series of years. That capital produced no profit —that labour afforded no remuneration. They came, therefore, before the House to say, that the capital of the master must not be deprived of due reward—that the labourer must have a return in wages for his labour—and that the laws which made money dear, and labour cheap, must be abolished. The petition next demanded universal suffrage, in the language of their forefathers, as expressed in the celebrated Petition of Right. Then it showed that the constitution guaranteed freedom of election, and contended, that to secure freedom of election, vote by ballot was absolutely necessary, and therefore vote by ballot was a constitutional right. It further declared, that agreeably to the acts of settlement, Parliaments were ordered to be triennial, or more frequent; and therefore the petition asked for annual Parliaments. Then it declared, that Members should be paid for their attendance in Parliament, as was the case in the days of Andrew Marvel, and as he might now easily establish, if he thought proper, in Birmingham. That was the ancient law. Members were paid by those who sent them to Parliament, and the petitioners were of opinion, until that right was restored, they should not have members who would properly feel and understand the wants, and real interests of the people. The fifth demand was, that the property qualification of Members should be abolished. In all these five points he most cordially agreed, and he most sincerely hoped that, by the progress of public opinion, the day might not be distant when the whole of those five points would be granted to the people; and that they would have them in full weight and measure, and no mistake about the matter.

Sir *G. H. Smyth* rose to order. The hon. Member had transgressed the rules of the House. It was a distinct rule of the House, that no Member should make a speech on presenting a petition, and he could not believe that any member, with that ridiculous piece of machinery (the immense petition had been rolled into the House), would be permitted to adopt a course that had been uniformly refused to himself and others.

The *Speaker*, as the hon. Member had appealed to him, must certainly say, that no Member had a right to speak at any length on presenting a petition. But when the House considered the circumstances of the case, and the position in which the hon. Member was placed, perhaps they would see that there were grounds for granting some indulgence in the matter.

Sir *G. H. Smyth*, as an individual, must enter his protest against the course adopted by the hon. Member for Birmingham.

Mr. *Attwood* was thankful for the indulgence extended to him, and would only trespass a few minutes longer upon the attention of the House. But he wished to say a few words in explanation of his own peculiar situation. Although he most cordially supported the petition, was ready to support every word contained in it, and was determined to use every means in his power in order to carry it out into a law, he must say, that many reports had gone abroad, in regard to arguments said to have been used in support of the petition on different occasions, which he distinctly disavowed. He never, in the whole course of his life, recommended any means, or inculcated any doctrine except peace, law, order, loyalty, and union, and always in good faith, not holding one face out of doors, and another in that House; but always in the same manner, and in the same feeling, fairly and openly doing all that he could as a man, a patriot, and a Christian, to work out the principles which he maintained, and to support the views of the petitioners. He washed his hands of any idea, of any appeal to physical force. He deprecated all such notions—he repudiated all talk of arms—he wished for no arms but the will of the people, legally, fairly, and constitutionally expressed—and if the people would only adopt his views, and respond to his voice—if they would send up similar petitions from every parish in England, and go on using every argument which justice, reason, and wisdom dictate, they would create such an action in the public mind, which would again act upon Members of that House—that giving due allowance for the prevalence of generous feeling among English gentlemen and the English people, if the people would act in that manner—if they proceeded wisely and discreetly, washing their hands of all insolence and violence—he was confident they would ultimately secure the attentive consideration of that House. Having said so much, he should now read the prayer of the petition, which was to the following effect:—

> "That it might please their honourable House to take the petition into their most serious consideration, and to use their utmost endeavour to pass a law, granting to every man of lawful age, sound mind, and uncontaminated by crime, the right of voting for Members to serve in Parliament; that they would cause a law also to be passed, giving the right to vote by the ballot; that the duration of Parliaments might in no case be of greater duration than one year; that they would abolish all property qualifications, to entitle parties to sit in their honourable House; and that all Members elected to sit in Parliament, should be paid for their services."

He would trespass no longer on their time, but move, that the petition be now brought up. This produced loud laughter, from the gigantic dimensions of the petition. The hon. Member unrolled a sufficient portion of it to enable him to place one extremity of it on the clerk's table.

Petition to be printed.

NATIONAL EDUCATION.] Captain Alsager presenting a petition from a meeting held at the Horns tavern, Kennington, against the proposed grant for National Education,

Mr. *Hawes* begged to ask his hon. Friend whether he presented this petition as coming from the meeting over which his hon. Friend had presided.

Captain *Alsager* replied, that he presented the petition as the result of the resolutions which were passed at the meeting alluded to.

Mr. *Hawes* then said he should object to the petition being brought up, because he held in his hand the petition of the gentleman who was put into the chair after his hon. Friend had been turned out by a majority of those present. This gentleman, who was himself of perfect respectability, and the son of a highly respectable county magistrate, stated, that the majority of the meeting was decidedly opposed to the views of his hon. Friend (Captain Alsager), and those who supported him on that occasion; that it was not a public meeting, the parties being only admitted by tickets, and he protested against the petition being received as that of the meeting, the great majority denying any acquiescence in it. The petitioner further stated, that very considerable confusion took place at the meeting, and that the members of the established church who were present were by no means peacemakers on the occasion. His hon. Friend having represented this as a petition founded on the resolutions passed at a public meeting, he trusted the House would consider, under the circumstances, that he was justified in objecting to the petition being received as the petition of the meeting.

Mr. *Hume* thought the House should first have the petition read to know whether it really did purport to be the petition of the meeting.

Lord *John Russell* said, it purported to be the petition of the undersigned inhabitants, &c.

Mr. *Hawes* could only say, that his hon. Friend had stated, that the petition was founded upon the resolutions passed at the meeting. If it was not the petition of the meeting, he, of course, had no further objection to its being received.

Captain *Alsager* could only repeat what he had stated before, that the petition was the result of the meeting over which he presided. No one was admitted to the meeting without a card similar to the one which he then held in his hand, and which bound all who used it to acquiesce in the decision of the chairman. Out of the 1,200 persons who were present there were about 200 Liberals, who made an incessant noise during the whole time. He endeavoured to make an explanation to them, and to point out to them that the meeting was expressly held to propose and second certain resolutions. Those resolutions were proposed and seconded; and he told the parties that they had not met there to discuss the question. So far from being turned out of the chair, he begged leave to observe, that the hon. Member was not present or he would not have said so. No person attempted to turn him out of the chair, so long as he chose to remain in it. No person interfered with his sitting there; but after he found, that he was not able to obtain a hearing for the speakers from the noise that was made, then he certainly did leave the room, accompanied by 500 or 600 persons around him. When he found, that he could not get a hearing he held up the resolutions in large letters and put them as well as he was able, and he was informed by many gentlemen who were there, that they were passed by a majority of at least four to one. After he left the chair there was a rush by some of the friends of the Liberals to take possession of it, and one of them, who was more vigorous than the rest, coming on the platform, was immediately taken into the committee room by some of his (Captain Alsager's) friends, when he said, that he had come there only as a listener. When they had all left, and it was dark, and the lights were put out, Mr. Curling took the chair, and a scene of riot and confusion took place. Some thoughts were entertained of calling on the police to act, but the policemen said, that there was no actual mischief done, except breaking a few chairs and benches, therefore, said they, "let them go, if anything further takes place we will interfere." He was sorry to occupy the time of the House, but a charge having been made against him, he felt it due to himself to give it a thorough and distinct denial.

Mr. *Kemble* was prevented attending the meeting, but as it had been stated by the hon. Member for Lambeth, that there was a majority in favour of Mr. Curling and his party, he (Mr. Kemble) begged to say, that all whom he had seen, who had attended the meeting concurred in saying, that the majority was most decidedly in favour of the resolutions proposed by his worthy colleague.

Petition laid on the Table.

Lord J. Russell moved the Order of the Day for the House going into a Committee of Supply.

Lord *Stanley* rose in conformity with the notice which he had given, in conformity, as he believed, with the sentiments of a vast majority of those petitioners, who in almost unprecedented numbers had represented their feelings and their wishes to the House, in accordance he believed, too, with a large and overwhelming majority of the entire population of the country, not to meet the Government proposition by any doubtful or ambiguous motion, not to get rid of it, by a side wind, or by availing himself of any Parliamentary forms or technicalities to secure an incidental defeat, but at once to grapple fairly and openly with the Ministerial proposition, at once to oppose the plan or plans, whichever it might be, which had been introduced by the Government for the purpose of establishing what they were pleased to call a national system of education. He rose for the purpose of objecting to the proposition for giving a direct control over the moral and religious education of the people of this country to any board or committee, or to any body, call it by what name they would, so composed, and so constituted as to be decidedly and exclusively political in its character, and necessarily fluctuating and uncertain in its composition, and in which there was no element of a defined or fixed principle of action, and into which from its constitution and composition it was impossible that it could so happen, that a single individual could be admitted of those who were by the laws of the country entitled to superintend the moral education and to direct the spiritual instruction of the people. He might have suffered the House to go into committee of supply, and in that committee he might have objected to the grant of 30,000*l.* which the Government proposed; but, if he had done so, he well knew to what misrepresentations he should have been subjected; he knew well the charges which would have been brought forward, the insinuations which would have been made, and the calumnies which would have been promulgated, if he had followed such a course. It would have been said, that he and those with whom he acted, had resisted an object which was of paramount importance to the well-being of the community, that they had stood in the way of the education of the people, and that they had prevented the Government from providing from the public funds for the instruction of the people. But another plan was open to him. He might have introduced a specific motion directly condemning the plan of national education which had been brought forward by the Government, and he might have taken the sense of the House on that motion. He had thought at one time that such a course of proceeding was desirable, and had intended to follow it, but he now rejoiced that on further and more mature deliberation, he had abandoned it, because he saw, and the noble Lord (Lord John Russell) had afforded him ample proof of the fact, how easy it would have been to have slipped away from the plan of yesterday, whatever it might have been, and how little difficult it would have been, when the plan of yesterday had been condemned and scouted by every man of reason and understanding, and when it had been turned into ridicule and made an object for the laughter and derision of the whole country, to have brought forward a new plan, when the noble Lord would have consoled himself and those who shared his confidence and agreed with him in opinion with saying, "O, true, the plan of Yesterday is condemned; but look at the plan of to-day; there can be no objection to the new plan." He felt, that so long as the committee was irresponsible, so long as its object was undefined and uncertain, so long as its powers were unlimited, and while the exercise of those powers was not checked, not fettered, not restrained, not limited by Parliament, so long would it remain a fertile source of new plans—plans following each other in rapid succession, springing up as fast as they were destroyed, and each as objectionable as the first, each as absurd and dangerous as another, yet each evading some of those details which had insured the condemnation of its predecessor. So long as that board or committee was allowed to exist, so long he felt persuaded they would find scheme after scheme produced for abstracting money from the public funds in furtherance of a system of education which a majority of the country condemned, and which was completely at variance with the constitutional principles which he and those on his side of the House supported and maintained, and which it was impossible they could abandon without the grossest dereliction of their public duty. No sooner would one scheme be destroyed, than another would succeed:—

> ——" Primo avulso non deficit alter:"

that "alter," too, was an "alter aureus"

> " et simili frondescit virga metallo."

No, such was not the course to pursue with a body so constituted and so changeable, and he had resolved to take a more open and a more bold and decisive course. He distinctly objected to that board or Committee, and to all those plans which had been laid before them for the establishment of a system of national education. He objected to the unlimited and irresponsible powers vested in the committee of the Privy Council, and from that irresponsible, unfettered, and consequently despotic committee, he appealed to the calm deliberation of the people, and to the constitutional authority of the British Parliament. If it had been proposed, that the proceedings of this board should have been limited, and restricted to purely Executive and Ministerial purposes—if the plan which had been brought forward had been merely to transfer to the committee the authority formerly vested in the Lords of the Treasury, an authority definite and restricted, and which was exercised for the purpose of facilitating the distribution of the grant of assistance made by the state towards the support of the plan of education pursued by the two societies to whom the grant was given, and which plan was subject to definite and known rules, he for one should not have objected to the transfer of that authority from the Treasury to a committee of the Privy Council. He should have thought it of little importance whether that grant was to be managed and controlled, and whether that authority was to be exercised, by the right hon. the Chancellor of the Exchequer as a Lord of the Treasury or as a Lord of the Privy Council. But that was not the object of the Government scheme. No such plan had been brought forward by the noble Lord. Nor was there any restriction in the proposition which had been submitted to their consideration. They were called upon by the proposition of the noble Lord to delegate by a resolution of only one branch of the Legislature powers undefined, unlimited, vague, uncertain, and irresponsible to an irresponsible body—to a committee of the Privy Council, which was to execute those powers totally independent of all control, and without being responsible to Parliament. The noble Lord in opening, he believed, his first scheme, but he was uncertain, for like other plans that scheme had been since abandoned; but in explaining one of his schemes the noble Lord had said, that, in his opinion, it was desirable to form the board of education not of persons of one party or of the other, and, of course, when the noble Lord had spoke of parties, he had spoken of parties with reference to the Established Church. [*Cries of* "*No, no!*"] Yes, such was the statement which had been made. The noble Lord, after alluding to the National Society, and the British and Foreign School Society, had said,

> "I know there has been a wish, and it was expressed in the last Session by the hon. Member for Waterford, that there should be a central board of education. Now, if that were to be formed by combining persons of different persuasions, I think it will appear, from what I have already stated, that it would not be a board having the general confidence of the Church. I think it better, therefore, that we should form that body, call them board, or committee, or what you will, not of persons who belong to one party or the other, but that we should form it entirely of the official servants of the Crown, and that it should depend on the confidence of this House whether or not that system should be supported.

Such was the statement of the noble Lord, and from the opinions expressed in that statement he would take the liberty to dissent in the most direct and positive terms. He thought it most objectionable, that a matter so important and so little connected with party as a system of education was, should be made dependent as regarded its permanency on a change of Government, that it should be mixed up with party contests; that it should be made subject to change on every defeat of the party in power; that it should not depend upon the merits of the system adopted, but upon political considerations; and that it should depend for support, not upon Parliament, nor upon the country, but upon a bare majority in that House. He thought it highly objectionable that funds should be placed in the hands of a Government without any restrictions regarding its distribution, and independent of the control of Parliament, and which might, therefore, be applied to the support of the views of its own political Friends. He would ask hon. Gentlemen opposite whether they would consent to repose such confidence in a Government composed of persons entertaining conscientiously the opinion that the National Church was the only fair and proper channel for the distribution and application of such grants as Parliament might think it right to make for purposes of national education? He would ask hon. Gentlemen opposite whether they would not look upon a committee formed exclusively from the members of the National Church, and having the sole power over the funds voted by Parliament for purposes of education with a natural jealousy—a jealousy founded upon the presumption, that being restrained by no Parliamentary control, the Government was entitled to apply funds voted for a specific purpose to the promotion of their own political views? And if there was danger in intrusting funds of this description to a Government powerfully supported by Parliament and strong in the confidence of the country, was it not doubly dangerous to intrust them without restraint to a Government powerless in itself—to a Government so weak and feeble as absolutely to be struggling for their political existence? Who were depending upon a small majority of that House, who were often opposed by those who called themselves the supporters of the Government, who were obliged to court the favour of every man, no matter what might be his political principles, and who, on the most important occasions, were forced to manifest the most extreme anxiety to gain even the votes of half-a-dozen Gentlemen on any terms or on any conditions? Was it not highly objectionable to intrust such funds to such a Government, when, even should that Government, in violation of the confidence reposed in them, apply a great portion of those funds for the purpose of acquiring the favour of their political supporters throughout the country, there was no body to whom they were responsible, no one who could call for an account of the way in which the grants made by Parliament had been expended? The noble Lord had said, that it was desirable that the board to be formed should have the confidence of that House, and it was proposed that on the opinion of that House it should depend whether the system of education to be established should be permanent or not. But did not that at once introduce the elements of change? Was such a system one on which the nation would depend, and was it possible for the people to place their confidence in a scheme liable to be altered or even entirely changed, according to the fluctuations of a majority, however small, of that House? But when the noble Lord spoke of the confidence of Parliament, he would refer him, on that point, to the opinions of a body to which the noble Lord looked up as an authority, and of which he (Lord Stanley) should be sorry to speak in any other terms than those of respect. The mode in which the British and Foreign School Society spoke in their memorial of the formation of the Board of Education was as follows. They said,

> "The committee are desirous of respectfully, but earnestly, urging upon the attention of the Government the paramount importance of establishing, as preliminary to every other measure, a board of education, enjoying the confidence of the various religious denominations of the country. The committee strongly feel that on the degree in which such confidence is reposed will mainly depend the efficiency of all efforts in favour of education."

Now, he would ask the noble Lord in what religious denomination, or in what portion of any religious denomination, in this country, did he flatter himself that he could reckon upon confidence, either in this board of education, or in any of the schemes of education which he contemplated? He apprehended that the noble Lord would not say, that he enjoyed the confidence of the Established Church. He thought, too, that the noble Lord would admit, that the Church of England was not the least important of all the religious societies in the land. He believed that the noble Lord would not deny, that the vast majority of the laity of that Established Church, that the great majority of the clergy of that Church, and that, with hardly a single exception, if indeed there was an exception, the whole of the prelates of the Church had expressed, one and all, not their confidence, but their entire and absolute dissent from the principles embodied in the minutes of the committee for the formation of that board. To what quarter, then, would the noble Lord next turn for confidence amongst the religious denominations of the country? He would ask the noble Lord which, next to the Established Church, was the most important, which was the most numerous, which was the most zealous, which was the most active in the cause of education of all those sects into which the other Protestant portions of the community was divided? The noble Lord would answer him, or if not, the country would answer for him, beyond comparison the Wesleyan body. They would tell him, that from the days of John Wesley downward, that sect had been distinguished by their religious zeal, which afforded, he would not say a contrast, but an honourable object of emulation to the Members of the Established Church themselves. They would tell him, that while of all others that sect was the one which differed the least from the Established Church, and which in matters of doctrine differed hardly at all from it, it was one which had put itself prominently forward on all occasions as the friend and promoter of enlightened education, properly so called, because combining religious instruction with secular knowledge. They would tell him, and the petitions which had been poured in upon the Table of that House would tell him, in terms not to be mistaken, that among the Wesleyan body of this country there was an universal feeling of absolute distrust and distaste towards the noble Lord's scheme of education. And to which of all the other denominations, let the noble Lord say, would he look for support? The most that he could affirm with regard to many of the Dissenters, Protestant or Catholic, was, that there was so much of confidence and so much of assent as was contained in an expressive silence, while from a great portion of the other dissenting bodies, petitions had come forward, of course widely differing from those of the members of the Established Church and the Wesleyan Methodists, but not less widely differing in sentiment from the plan propounded by the Government; and many petitions had been presented by hon. Members on the other side of the House, praying, that unless certain conditions were complied with, which he trusted the House never would comply with, no further grant may be made in aid of national education. Therefore, while the noble Lord was telling the House and the country, that the success of his scheme was to depend on having the sanction and approbation of all the religious denominations of this country, he could not point out one assenting party among them all. Would he go to the Established Church? The members and clergy of that Church were all united as one man against it. Would he call on the next important body, the Wesleyan Methodists? Among them there was no difficulty or hesitation in deciding as to whether they should make common cause with the Established Church or the Government. But if he objected to the constitution of this committee as a body to regulate and control the education of the country, upon the ground that it was fluctuating in its character and political in its objects, and upon the ground, also, that it did not even carry with it the recommendation of having the support and confidence of the great body of the various denominations of this country, he objected to it as a Churchman still more strongly and decidedly, because he found that the constitution of that committee was such as to give the religious education of the people to a body exclusively lay, altogether excluding the clergy from having any control or authority over it. The propriety or impropriety of having such a body to deal with such subjects depended, in his judgment, altogether upon the principle which was involved in what they meant by education. He understood those Gentlemen who limited education to the mere cultivation of the intellect, and to the finding out the shortest and readiest modes of infusing into the mind a certain degree of worldly knowledge and temporal information; he could understand those Gentlemen who were endeavouring to fit the population of this country for an improvement in their moral character without reference to any religious feelings or motives. He said, that he understood those Gentlemen who so limited the term "education," and applied it solely to temporal instruction, apart from spiritual knowledge; and he perfectly concurred in their view, that with such a system of education the clergy had nothing to do; and that if it were superintended at all, it would be most fitly intrusted to a body of laymen. But let him have leave to say, that was not the view in which education was regarded by the great body of the people of this country. The view which they took of it was that which had been taken of it as long as history went back; it was and it had been regarded as part and parcel of the constitution and laws of the land. It was not considered as a thing apart from religion; it was not thought to be a thing apart from the Church; it was a business which the constitution and law of this country considered as the peculiar province of the clergy of this country, and as a spiritual matter to be intrusted to the spiritual superintendence of the clergy. Why, in early times, before the Reformation, the education of the people was wholly and entirely in the hands of the clergy; it was almost, if not altogether, in the hands of the Catholic priesthood. He was not debating the question whether it ought to be in the hands of the clergy or not; he was contending, that education was not now considered, and never had been considered, by the people of this land as a thing altogether apart from the spiritual superintendence of the clergy. He found it laid down by a Chief Justice in a case so early as the 11th of Henry 4th, in the old French of those times—"La doctrine et information des enfants est chose espirituel," Twining, Chief Justice, 11th of Henry 4th; and, therefore, as *une chose espirituelle*, under the superintendence of the spiritual courts and ecclesiastical law, and the common-law courts recognized this authority, and declared education to be a matter for ecclesiastical cognizance, and that they would not interfere against a matter of ecclesiastical jurisdiction. It was a doctrine as old as the history of the country, and it was recognized even down to the present time; and the House did not require to be told by the noble Lord, as he had told the House the other day, that by the Act of Toleration and by other Acts which had been since passed, Dissenters were exempted from various restrictions to which they were before subjected. That was not the question. He was not contending for the absolute control of the Church over education, but that education, whether of the members of the Church or of Dissenters, was not a thing apart from religion. But it was a thing necessarily combined with religion, and necessarily dependent on religion—a thing of which religious doctrine and religious faith must be made the grounds and motives. He was contending, that education was not a thing apart and separate from religion; but that religion should be interwoven with all systems of education, controlling and regulating the whole minds, and habits, and principles of the persons receiving instruction. The noble Lord, at the commencement of the Session, when introducing his plan, after speaking of toleration, and of the exemption of Dissenters from the operation of certain provisions formerly affecting them, and of the freedom of all her Majesty's subjects, points which no human being now-a-days thought of disputing—things which he and his friends were charged with disputing, a charge which was most unfounded, for they had not the least idea of disputing or discussing any such matters—the noble Lord thought it necessary to tell the House, that from that time he conceived it to have remained a generally recognized doctrine of the State, that education should be free not only to the members of the Church of England, but to every religious denomination.

> "But (exclaimed the noble Lord) let us have it free from the Church also. Just permit us, as Churchmen, to have the Government interfering for the purpose of taking the education of the children of the Church out of the hands of the clergy of the Church."

He hoped those hon. Gentlemen, who seemed to sneer at what he humbly conceived to have been a legal position, would be inclined to listen to an authority on this subject, who stated, in terms so clear and comprehensive, that it was impossible to improve them by any amplification, how far education was connected with religion, and how far, consequently, it should be connected with the Church. In giving judgment on a case in which reference had been made to the ecclesiastical tribunals of the country, Chief Justice Holt laid down this doctrine, and in these words:—

> "Without doubt, schoolmasters are, in a great measure, intrusted with the instruction of youth in principles, and therefore it is necessary they should be of sound doctrine; and in order thereto subject to the regulation of the ordinary.—The King *v.* Hill, 1701."

Now, the steps by which Lord Chief Justice Holt traced to conviction the principle he laid down were these,—schoolmasters were not for the purpose of giving mere literary instruction, mere technical education, or of conveying worldly learning and information to the children—not for the mere purpose of cultivating the intellect and the mind, and not at all applying instruction to the heart and conscience; but they are intrusted with their instruction in principles; and, therefore, because they are intrusted with their instruction in principles, they must be themselves of sound doctrine. And the further conclusion that he draws is, that for the purpose of insuring that they be of sound doctrine, schoolmasters should be connected with the Established Church, that they should be subject to the superintendence and spiritual control of the clergy of the Establishment. Further than that he did not push the doctrine. Further than that he did not desire to interfere. He doubted not that some hon. Gentlemen opposite thought this was going far enough, and that it was going too far for some of them. But whether, in their judgment, it was going far enough, or a great deal too far, he repeated, that from the earliest times that doctrine was sanctioned by the law and practice of England; that it was sanctioned by the authority of the clergy, and sanctioned by a higher authority than any earthly judge, for it was a principle interwoven with and united most intimately with the affections, ay, and with the convictions, of the people of this country. He knew that it was very easy for hon. Gentlemen to say,

> "We admit all this; we admit that education must involve religious instruction; we admit that it must be based on religious principle."

The noble Lord himself said, he admitted distinctly that education was not a thing separate from or apart from religion, and that it was necessary in the scheme he proposed to give the youth who were to be educated under it instruction on those points of faith and doctrine which were essential as the foundation of their moral and religious principles. This was a very serious subject, and he was aware, that this was one which, perhaps, could hardly be properly treated and argued upon in a popular assembly; and yet the question so mainly depended on it—he meant the question, how far the Church was justified in the resistance she had given to the plan of her Majesty's Government for a combined system of education for all classes of persons in one common school, to receive one common course of instruction, that it was impossible not to ask the House and the country to consider whether or not those great points of doctrine and faith upon which the several sections of the Christian community conscientiously differed, and which yet were so interwoven with the great scheme of Christianity, and were so important in influencing Christian conduct and Christian motive, that they could not be overlooked by the Church, or blinked by the people, or be complimented away, for the purpose of conciliating persons of various denominations and opinions—it was impossible, he said, not to ask the House and the country to consider this question in its connexion with points of faith and doctrine. For instance, the great scheme of redemption, the doctrine of justification by faith, the efficacy of infant baptism, the solemn mystery of the holy eucharist; and yet one and all of these must be frittered away one and all of these they must consent to cede at once, and to put aside, as matter not to be treated of in public education, if they insisted in adopting the Government scheme of instruction. For, according to that plan, Baptists, Unitarians, Socinians, Quakers, and Roman Catholics, all those who differed upon any of these points, and differed conscientiously, were to be educated together. Now, if these, or any of these points were mere points of abstract theory, if they were mere dogmas, the solution of which the one way or the other was of no great importance, he should say, in the name of Christian charity, and for the purpose of combining, as far as we could all good men, and of softening the animosities of conflicting sects, let us lay aside whatever is not important, let us lay aside whatever is not essential, let us give up all points of curious speculation, and let us be united. But when he saw that these were not such dogmas, when he saw that they were main points of Christian faith and doctrine, believing that by them mainly, motives must be produced in the hearts of our children, he could not from any fancied scheme of conciliation consent to put into the back ground, he could not consent to treat as matters of minor importance, he could not consent to treat as matters of indifference, or to put aside those principles which he held to be among the fundamental doctrines of that system of Christianity, which was the religion of the Established Church of the country. But when we are charged (continued the noble Lord) by hon. Gentlemen on the other side with claiming on the part of the Church, that there should be an exclusive right of educating the population of this country, I ask the noble Lord and the House this, and I mean to ask no more, for the purpose of proving how utterly unfounded is this charge against the Church of England, the clergy, or the lay members of her communion, while I point to the almost unanimous assent of this House, to the almost unanimous assent of the country, to the entire approbation of the great body of the community, to that system of education which, from the period of 1834 down to the present time, has been carried on under the auspices of her Majesty's Government; I ask the House, is that a scheme which vests in the clergy of the Establishment, an absolute control over the education of all the people? Is it a scheme which interferes with the free right of all denominations to educate their own people? Nay, they have them educated and assisted in their education at the expense of the State; for it is perfectly well known, that according to that system the funds of the country are bestowed, not on the Church of England alone, or on the members of the Church of England only, but professedly and intentionally on two societies, one of which is understood to represent, and does represent, the Church of England, and the other represents, and I believe does represent, that system of education which is congenial with the wishes and opinions of those who dissent from the Established Church. I ask, has there been a murmur at that system? Has there been a complaint against the conditions laid down by Parliament? Has anything betrayed a wish, that there should be the slightest partiality in favour of the members of the Established Church, in the administration of the grants under that system? Has there been an undue distinction and preference shown to applications from members of the Establishment over those of Dissenters? He would take the liberty of referring the House to what was said of that scheme when it was first propounded by Lord Althorp, and which from that time to this had obtained the almost universal approbation of the country; and then he would endeavour to point out to the House in how many and in what important points the scheme of her Majesty's Government now under consideration, departed from the fundamental doctrines laid down by Lord Althorp, ay, and from the despatches of her Majesty's Government itself, down to the month of March last past. Lord Althorp said,

> "I am well aware, that the circumstance of the Government advancing money and assisting an object of this kind, has a tendency to check private charity, and that such interference is in general mischievous rather than advantageous."

He (Lord Stanley) concurred in that opinion; and he remembered, that he had heard it often expressed with great force by his right hon. Friend the Chancellor of the Exchequer, whose doctrine had always been, that if you give money from the Government funds you check local contributions, unless you give according to the exertions made in the localities where you bestow the grant; but if you give your bounty in proportion to the amount of local contributions, you stimulate instead of checking local exertion. Upon that principle his right hon. Friend had always exhorted the House to proceed, and upon that principle the Government had proceeded from the time of Lord Althorp's first proposing a vote for education down to the present day. His Lordship also said,

> "But there is one thing in which private subscriptions are frequently deficient, and that is in first setting a school on foot; and we have thought, that it would not be an improper expenditure of the public money to grant the sum of 20,000*l.*, to be applied in the present year to assist in building school-houses. This money will be placed at the disposal of the Treasury, but it is the intention of the Treasury, in appropriating it, to take the recommendation of the two societies, established in this country, the National and the British or Lancasterian Society."

And again, on the 17th of August in the same year, he laid down this further condition:—

> "It is intended, first, that no advance shall be made out of this grant towards the building of any school-house, unless a subscription to a certain amount be first made; and, secondly, which is most important, it is intended, that even if the required amount be raised by subscription, no advance shall be made for the purpose of erecting a school-house in any place, unless the Treasury shall be satisfied, that there are funds sufficient to keep the school in action after the House has been built."

To those conditions the House almost unanimously assented. Upon those conditions the Government acted in the year 1834, and had acted down to the present time; that is to say, they had acted upon them down to the present time with these exceptions, that the applications had been year after year so much more numerous than in the preceding year, that it became their imperative duty to impose stricter and still stricter conditions in responding to all applications for public grants; they had found it absolutely necessary to say, year after year, that larger contributions must be raised in proportion to the grants given by the Government; and they had had to complain, that they were not able to meet the applications that poured in upon them. Now, it was necessary, that the House and the country should see what was the effect of that system, because if they were going to deviate from a scheme to which the public assent was generally given, and against which no voice had been raised—if they were going to depart from such a system, to enter into a scheme against which there was raised a universal outcry of indignation and detestation, it became them to look at what had been the operation and effect of the old system. The object of that scheme was to promote and increase the amount of education given throughout the country; the extent of education then afforded, had been unanimously declared to be lamentably deficient; and, indeed, it was lamentably deficient up to the present time. Nobody denied that fact, no persons were more sensible of it, than were the members of the Established Church; and to a system of education founded on fair, impartial, and equitable principles, a system not interfering with the principles and doctrines of the Church, but affording every latitude to the education of the Dissenters, he told the noble Lord (Lord J. Russell) and those who surrounded him, that from no portion of the community would it more readily receive support, than from those Gentlemen who now sat opposite to them. If the noble Lord doubted it, he (Lord Stanley) wished he would try the experiment. If the noble Lord would persist in, instead of depart from, the present system, a system which had been carried on for four years successfully, and without complaint, and would propose to increase the amount of the public grant in furtherance of that system, probably all the opposition the noble Lord would meet with, would be, not from his (Lord Stanley's), but from the noble Lord's own side of the House. In the year 1834 the Treasury minute presented to Parliament on the 7th of March stated,

> "There exists, throughout Great Britain, the utmost anxiety that the funds provided by Parliament, for the purpose of education, should be made generally useful; and that the private charity and liberality, so far from being checked, have been greatly stimulated and encouraged by reason of the public assistance afforded to the principle laid down in their minute of the 30th of August, 1833. The application now before my Lords, and recommended to their favourable consideration, amounts to the sum of 31,016*l.*, whereas the sum at their disposal does not exceed 11,719*l.* Applications had been received from 236 new schools, calculated for 55,168 scholars, and local and charitable funds were tendered to the amount of 66,492*l.*"

Was there, then, any indication, in 1834, that the plan laid down by Lord Althorp had failed? Was there any question or complaint raised, that the funds voted by Parliament towards increasing the amount of education throughout the country had been unduly applied, or that those funds had passed unduly into the hands of one portion of the community, at the expense of the other? He believed that, in the first year, the distribution of the 20,000*l.* voted had been made in an equitable ratio between the two societies—the National School Society and the British and Foreign School Society, and upon the equitable ratio founded on the first of all the principles of the scheme, namely—that the members of each should bring forward the required amount of local contributions. And did that state of things cease with the year 1834? He held in his hand returns for the years 1834, 1835, 1836, and 1837. The return for 1838 had been moved for by the hon. Member for Waterford (Mr. Wyse), in a different form from the preceding returns, and did not show the amount of local contributions. But, from the other returns, it appeared that, in the year 1834, there was a grant of 20,484*l.* in aid of 48,111*l.*, local contributions; in 1835, a grant of 19,368*l.*, in aid of 59,619*l.*; in 1836, a grant of 21,669*l.*, in aid of 71,731*l.*; (the proportions, all this time, of the local contributions, becoming larger as the most stringent rules were laid down by the Treasury, in consequence of the funds at their disposal being so limited); and, in 1837, a grant of 17,277*l.* was given in aid of 54,486*l.*, the amount of local contributions and private beneficence of that year. In the four years to which he had referred, this was the result of the contribution of 78,798*l.* made by Parliament: it had produced, from the private funds of individuals, a sum of 165,149*l.* towards the building and erection of schools; it had produced, from the same sources, 233,947*l.* for the permanent and continued education of 153,600 more scholars than were previously in a course of education in England; it had not only drawn forth other great exertions for the building of schools, but the expense of the whole 153,600 children, and the continued support of the schools were charged, not on the public funds, but on the private munificence and benevolence of individuals. Now, he asked the noble Lord, and he asked the House, with regard to the extent of education, the amount of local interest excited, and of private beneficence thus displayed, what grounds existed for finding fault with, or abandoning, the system of the year 1834, which had worked prosperously up to the present time? He should be sorry to suppose it was possible that such a motive actuated her Majesty's Government, as that they should feel it expedient to withdraw from this system, because, under it, year after year, in consequence of the exertions of the Church, the greatest part of the amount of the Government aid had been employed in the education of the children of the Church. He desired freedom of education; but he could not consider it matter of indifference, either to the Government or to the country, still less that it could be an objection to the system, that, under it, without partiality or undue interference, a larger proportion of the population than heretofore, had been brought up, not in ignorance, infidelity, and perhaps vice, but gathered to that Church which had been, which was, and which he trusted would long continue, the national establishment of the country. He was confident that the noble Lord and her Majesty's Government would disclaim any such motive, and would adopt other and bolder grounds for the change. He concluded it would be argued, that it was not the mere building of schools—it was not the mere brick-and-mortar foundations—it was not the extent or quantity of the education afforded by these societies—it was not these matters that were of essential importance to the country—but that, not only was the quantity of education deficient, but that the quality of the education afforded, both by the National and British and Foreign School Societies, was far below what it ought to be, and that the qualification of their teachers was also below what it ought to be, when the state of civilization and refinement to which this country had now arrived was taken into consideration. If that was the ground of objection, he was ready to meet the noble Lord upon it. He was ready to maintain that nobody had put themselves so prominently forward, in endeavouring to improve the qualifications of those masters—nobody had been so anxious for the foundation and maintenance of normal schools for training teachers—nobody had taken so early and so active a lead in seeking to attain all those objects, as had the members of the Established Churches of England and of Scotland; and he would prove that, if there had been delay, if no normal or model schools had been founded in either country, the blame rested, not with those societies which had been entrusted by Parliament with public funds; but the blame rested with the Government themselves, who had delayed that assistance which those societies had required. The first grant taken for model or normal schools was in the year 1835; it was voted, without observation, at a late period of the session; but, having been taken, it had not been questioned, from that time down to the present; and it was with great surprise that, looking from the year 1835 down, he could find no trace of the manner in which that sum of 10,000*l.*, with which the Government had been intrusted in 1835, had been applied. He had, accordingly, called for the correspondence which had taken place on the subject, and the paper he now held in his hand contained the result of that correspondence. In the first place, it stated, that no part of the 10,000*l.* voted in 1835 had been yet expended. Here, then, was the delay—here, then, was the fault; and whose fault was it? Was it the fault of the National Society, of the British and Foreign School Society, of the members of the Established Churches of England and Scotland, or of her Majesty's Government? He would proceed to show with whom the delay arose, and to whom the fault was to be attributed. In March, 1838, the Glasgow Educational Society, which had taken a most active and efficient part in the establishment of infant and model schools, and also of normal schools, and from whose regulations the noble Lord opposite had borrowed much of that which was valuable in the details of the scheme he had abandoned, reminded the Government that

> "A deputation from the society had waited on the right hon. the Chancellor of the Exchequer about two years ago, to ascertain whether he would recommend a grant of 3,000*l.* for those purposes, provided a similar sum were raised by private contributions; the proposal was well received by him, but as he was not prepared to give a decided answer, no further steps were then taken, and no formal application was then made to their Lordships."

Subsequently, however, a grant of 1,000*l.* was applied for by the society, and

> "This request was ultimately complied with, as intimated by your Lordships to the Rev. Dr. Black and the Rev. Peter Napier, on certain conditions, with which the society are ready to comply, but delay applying for the money until they shall have laid before your Lordships all their wants."

The society then stated that they had considerably extended their original plans, that they had gone to a very large outlay, and were anxious still further to extend their useful operations. They further stated

> "That the Glasgow Normal Seminary was connected with the Church of Scotland in the same way as the Scottish Parochial Schools, being intended chiefly to train masters for those schools, but all, of every denomination, are admitted to its benefits as students upon the same terms—viz., the payment of a small fee in aid of the funds."

They then solicited a grant of 5,000*l.* to enable the society to complete the institution, and they stated their readiness to exhibit vouchers of the actual expenditure in such form as the Lords of the Treasury might require. This application was made in the month of March, 1838, and the paper from which he quoted it purported to be the correspondence which had taken place on the subject. It contained one side of the correspondence—namely, the application, but if there had been any answer sent it did not appear in this return. Some answer might have been sent, but—[Lord *John Russell*, no answer had been sent.] No answer had, it appeared, been sent; and then with regard to the normal school, at Glasgow, and to the exertions of the people of Glasgow, his Scotch friends would be glad to hear that there could be no charge of lukewarmness against them for not endeavouring to forward the important branch of national education. He now came to the letter of the Secretary to the Treasury, written by direction of the Chancellor of the Exchequer, in which he called the attention of the National School Society, and of the British and Foreign School Society, to the plan proposed by her Majesty's Government, and inviting the cordial co-operation of those societies to carry it into effect. And what was that plan? In the first place, the letter invited the National and British Societies—

> "To direct an inspection to be made for the purpose of the several schools which they have recommended to the Board, and for the

erection of which, grants have been appropriated out of the Parliamentary votes:"

And, secondly, the letter added—

"My Lords are of opinion that the erection of model schools, for the instruction of teachers, by both the National and British and Foreign School Societies, would greatly tend to add to the efficiency of their several establishments, and that they should be called upon, if the respective committees of those societies concur in that opinion to take steps for such purpose, it appearing to my Lords that public aid might be advantageously directed towards this object, provided a suitable plan for carrying those intentions into effect were submitted to the board and approved of, and provided that the principle of private contribution already laid down and carried into effect by previous minutes of their Lordships, were strictly adhered to."

The letter also contained fourteen questions, to be answered by both these societies, and, as he had already stated, was dated the 7th of July, 1838. Was there any delay on the part of these societies on the receipt of that letter? None, for on the 21st of July the following answer was sent by the National School Society. It was dated—

"Central School, Westminster, July 21, 1838.—I have laid your letter of the 7th inst. before the committee of the National Society, and with reference to the subject of model schools, I am directed to state in reply, that the committee are very desirous to profit by public aid in regard to these institutions, and will gladly avail themselves of any assistance which the Lords of the Treasury may offer for the purpose of promoting and assisting local exertions and contributions towards the maintenance, extension, and effectual improvement of the model schools which already exist in the metropolis, and in various parts of the kingdom; and in order to accomplish these objects, the board is particularly impressed with the importance of making such arrangements as will enable the teachers to remain for a longer period of time in training, and afford encouragement to a superior class of persons to offer themselves for the service of educating the working classes. Your letter invites the committee to call upon their Lordships for assistance in the undertaking referred to. With reference to this, and for the purpose of manifesting the earnestness of the committee on the subject, I am directed to add that the desire of the board was expressed according to the foregoing terms in July, 1835, in answer to an inquiry relative thereto made by the right hon. the Chancellor of the Exchequer, and that a direct official communication embodying an expression of the same sentiments was again addressed to the Chancellor of the Exchequer in the early part of the next year (1836), in reply to which it was stated 'that the subject of model schools was at present before him, and would receive his best attention.'"

So that in 1838, at least, the Chancellor of the Exchequer had given his best attention to the subject of model schools, and had asked the co-operation of these societies. The letter went on to state, they had already answered the 14 questions bearing on the subject, and contained in the letter of the 7th of July, and then proceeded to inquire whether it was intended to limit the grant to the same proportion of contributions as formerly—viz., to 1*l.* sterling for every two children, according to the number of scholars accommodated in the schools for practice; and it was further asked—

"1st, whether the National Society may expect one half of the estimated cost of the buildings indispensably required for a model school, or what proportion of the cost it may be their Lordships' purpose to allow; and 2nd, whether they may be favoured with the assistance of their Lordships in providing them with a site at Westminster, or within a reasonable distance of their present Central School, by which arrangement a material diminution of the expense of the proposed undertaking would be effected."

To this communication the Society received no reply until the 4th of September, 1838, when the following satisfactory answer reached them:—

"With reference to your secretary's letter of the 21st of July last, in answer to the letter from this Board (the Treasury) of the 7th of the same month, on the subject of model schools, I am commanded by the Lords Commissioners of her Majesty's Treasury to inform you that, until they have before them the general views of the Society in respect to the scale of the proposed model school and the estimated expense, my Lords are unable to give precise replies to your inquiries further than by stating, that whilst they still adhere to the principles of private contributions in aid of this important object, my Lords do not mean to limit their aid by the proportions fixed in reference to ordinary schools."

The House would perceive that no reply was given to the inquiry with regard to a site, and on the 20th of September the committee of the Central Society again wrote, requesting an answer in that respect to their letter of the 21st of July. On the 6th of October they received this answer:—

"With reference to that part of your letter of the 20th ult., requesting an answer to the inquiry in your letter of the 31st of July last, relative to the providing of a site for a model school within a moderate distance of the present Central School, I am commanded by the Lords Commissioners of her Majesty's Treasury to request that you will furnish their Lordships with some explanation of the application referred to."

Upon this did the Central Society lose any time? On the contrary, they felt themselves called on by that document to proceed to minute investigations as to the details of the plan, and the estimated expense, with a view generally to furnish the fullest information upon which the Government could give an immediate answer, "ay, or no," whether they would adhere to the proposition; and accordingly on the 13th of February last, the Government was furnished with detailed plans and estimates by the committee of the Central Society. And what was the result? Why, that on the 18th of March following they received this very satisfactory answer:—

"In answer to your letter of the 9th instant"—(for, having received no reply, the committee had written again on that day)—"in answer to your letter of the 9th instant, calling the attention of this Board to your application of the 13th ultimo, for a grant in aid of establishing a large training institution in connexion with the Central School, I am commanded by the Lords Commissioners of her Majesty's Treasury to acquaint you, that they have forwarded your application for the consideration of the Committee of the Lords of the Privy Council for Education."

Now, it was a little singular that the application made on the part of the National Society connected with Liverpool was in the same condition, and met with a similar fate, for they also, on the 2nd of March, received information that their application had been sent to the committee of the Privy Council. That committee of the Privy Council to which these references were made on the 2nd, the 9th, and the 18th of March, had (as the House had been informed) no legal existence at that time—for it was not constituted except by an Order in Council dated on the 10th of April; and consequently for the purpose of avoiding to give a direct answer to a direct application made according to their own plan, the Government transmitted their applications to a Board not in existence, and the consequence was, that on the very day after that Board was constituted—viz., on the 11th of April, the Board issued a minute negativing the possibility of the Government consenting to applications which they had invited, on their own conditions in the month of July preceding. He had stated these points at length for the purpose of appealing to the judgment of the House and of the country to determine, whether in this important matter the delay and default had been on the part of the associations of the Church Establishment, or whether it rested with her Majesty's Government, who, in July, 1838, thought so to apply the very grant obtained by them in 1835, and who on the 10th of April 1839, informed the applicants they had invited, that they had totally changed and departed from the conditions they had proposed, and therefore could give no aid. Having delayed the House so long with the objections on principle to the constitution of this board, and to the unrestricted and irresponsible powers conferred upon it of making perpetual changes in the whole system of the moral education of the country, protesting tha the would not give to any Administration or to any Government powers so extensive and so arbitrary as those claimed by her Majesty's present advisers, he now turned to the spirit of the two plans which had been put forth by the Government under the authority of this board, and asked whether, even if the principle were not dangerous, and the powers were not unconstitutional and arbitrary, the scheme was so innocent, its rules so unobjectionable, clear, definite, and incapable of misconstruction, as to reconcile the people of this country to its being conducted and carried on under the irresponsible authority of this board? It was laid down in the first instance that the grants were to be made (and the arrangement was entirely satisfactory to the country) upon the responsibility of the two societies, whose system of education was known, and which were composed, in one case, of clergymen of the Church of England—at least, suchclergymen constituted the great majority of its members, and *ex officio* all the heads of the Church of England were members—composed, in short, of individuals in whom the members of the Church of England reposed the highest confidence, and in the other cases including a great number of the best instructed and most pious of the dissenting ministers, while both comprised within their limits a very large amount of clerical superintendence and clerical security for the communication of religious instruction according to the forms of the Established Church, or of the different dissenting congregations. The great complaint was, that the funds were insufficient, and the demands were so extensive that it was impossible within reasonable limits to meet them. What was the first step which it was proposed to take, in order to meet the pressure of the case? That to the National Society and to the British and Foreign Society, having from the one a demand for 25,000*l.*, and from the other what he admitted to be no great encouragement, for they declared it inexpedient to expend money upon model schools, except on conditions to which the Government could not accede—not a *minimum* but a *maximum* should be given of 2,500*l.* for the cost of normal schools—2,500*l.*, and no more. The next point, and a most important one it was, related to the appointment of the school inspectors. Let the House observe how carefully these new powers of control were introduced by her Majesty's Government into the last plan but one which they had submitted to their consideration. It would be very difficult to contend against the principle that, where public aid was administered, the public had a right to satisfy themselves by their own inspection and examination that that public aid had been judiciously applied. That was a principle against which he would never contend, and therefore he freely admitted the doctrine which was laid down, that as aid was to be given to certain schools to be considered as being under the auspices of certain recognized societies, they had a right first to satisfy themselves that it was properly applied, and next, that those societies should regularly report to them as to the state and progress of those schools which were built by a grant of public money, and were to be supported afterwards by voluntary contributions. But the Government did not propose to limit their grants to the purpose of erecting the schools, but in certain particular cases thought it expedient to aid in supporting the schools; to give to their inspectors, of whom there were at first to be but two, to their secretary and to their staff the power to communicate "useful hints," not only to public, but to private schools throughout the different parts of the country, and to apportion gratuities to such of the teachers as adopted those improvements which were suggested by the Government. [*Oh! Oh!*] He should be happy to become assured that his suspicions were unjust: but when a plan was proposed one day, and half abandoned on the next, and when it was proposed to concede an authority founded upon mere Treasury minutes, and not upon acts of Parliament, it was the duty of that House to look with suspicion upon the progress of such transactions, and take care not to permit the existence of any loophole or dangerous ambiguity where there was a question of distributing the public money. The provision to which he here objected was, that the committee of the Privy Council should have the power of "granting gratuities to such teachers as may appear to deserve encouragement." How could they ascertain whether they were deserving of encouragement if they were not first to examine whether the schools were in conformity with the plan of the committee? The inspector was to have the power conceded to him of visiting these schools, and inquiry as to the introduction of all the improvements which he might suggest in the art of teaching, and was this not to meddle with the internal regulations of the schools? When gratuities were thus to be distributed upon the report of their inspectors, he contended that he was not doing great injustice to the Government plan in saying that it was a most artful mode of intermeddling with the management of private schools. On the 11th of April it was determined, that it was not expedient to expend in grants for building schools more in any one year than 10,000*l.* This determination was greatly modified, for in a month after, it was decided that from 20,000*l.* to 30,000*l.* might be so expended. It was resolved in the first place, "not to adhere invariably to the rule which confines grants to the National Society and the British and Foreign School Society, and not to give the preference in all cases whatever to the school to which the largest proportion is subscribed." They, therefore, assumed the unlimited right to judge for themselves, with no accountability whatever. When there existed circumstances which rendered it difficult for a community to come up with their contributions to a certain point, the power of granting aid was assumed. Now, this proposition was directly at variance with the principle laid down by the Chancellor of the Exchequer, because it was holding out encouragement to stimulate poverty and tended to paralyse local exertion by inducing the expectation of assistance upon the part of the Government, without any corresponding contributions from individuals. But the last passage in the minute was the most extraordinary portion of the whole—"that, subject to such alterations as experience may hereafter suggest, the foregoing scheme be approved: subject to such alterations as experience might suggest!" This might be all exceedingly right for those who placed unlimited confidence in the discretion of the Committee. But for those who entertained no such confidence, for the country at large, he thought there was no great security in the solidity of a plan, which, after they had granted them 30,000*l*., might afterwards be modified in accordance with the experience of four individuals. He would not now enter into the merits of that scheme, which, from one end of the country to the other, had produced an unqualified declaration from every religious body that such a scheme was utterly unsatisfactory for the inculcation of religious principles. He would leave it to others to point out the utter impracticability of such a scheme. How impossible it would have been for any class of religionists to assent to the principle of religious instruction being conveyed through a number of teachers, without reference to their religious creed, and carried on under the general direction of a Committee of the Privy Council! Only think of such a body being empowered to direct the religious instruction of the empire. Only think of such a task devolving upon four Lords of her Majesty's most honourable Privy Council. But there was also to be a rector appointed, who was to have the control of the religious instruction of all the pupils without exception. [Lord *John Russell*: No.] The noble Lord said "No," and perhaps he could explain away the text of this minute of the Privy Council. The noble Lord had promised, ten days since, to put forth some explanatory documents, and the documents with which he came forward afforded no explanation at all. It was nothing more than a nominal and sham abandonment, with power to return to the original scheme. The minute in question directed that "a portion of every day should be devoted to the reading of the Scriptures in the school, under the general direction of the committee and superintendence of the rector." The Scriptures, then, were to be read as a portion of the "general education," under the superintendence of the rector, as specified in the minutes. Protestants of all denominations, Roman Catholics and Socinians, were all to read the Scriptures, and each in his own version. Really, this passage did require an explanatory statement. But the whole scheme had excited—and, unless Parliament interposed, would still continue to excite—general suspicion throughout the country; and more especially that part of it which announced that, under the direction of the same individual, should be read the Roman Catholic version, the authorised version, and, as a matter of course, the Socinian version, of the sacred Scriptures. All was to be under the superintendence of the same individual; and what, he would ask, should the religion of this individual be? Was he to be a man of all religions? Or was he to be a man of no religion? Here was the mischief of jumbling together plans which were perfectly applicable to one system but perfectly inapplicable to another. They had borrowed their idea of a rector and a general director of studies, with a view to qualify the respective teachers, from the Glasgow normal school, in which the duties of the rector were plain and simple, because the whole arrangements were carried on under the sanction of the Established Church of Scotland, of which Church the rector himself was a Member. But the noble Lord had said, in answer to various petitions condemnatory of this monstrous scheme of the 11th of April, "This is not our scheme now. We have quite a new plan at present; and how do you know that they have not petitioned solely against our old scheme, and are quite satisfied with our new one?" In so far, he (Lord Stanley) believed, that the petitioners, as a body, had strictly instructed their Representatives to announce that their objection was against the principle, and that the new scheme was, therefore, as objectionable as the old. Some of the petitioners (and he was disposed to concur with them) had declared the new scheme to be still more objectionable than the former, because more ambiguous. The whole tone and temper of these parties were directed not against little trifling details of the scheme, but against the pervading spirit and principle which actuated her Majesty's Privy Council in bringing forward that scheme of the 11th of April. But the noble Lord said, that they had abandoned that scheme. Had they? He did not believe, that it was abandoned. It was convenient to abandon the defence of it. It was convenient to bow before the storm and let it pass over their heads, but retain that degree of elasticity which would enable them, when the storm was passed, to rise again and resume their former position. Abandoned! Very far from it; for in the last edition, the passage still remained which decreed, that the funds should not be merely supplied to the National Society and the British and Foreign School Society, but that in particular cases, the Lords of the Treasury might give a portion of their funds not only for the erection but for the support of the schools connected with those societies; and it was distinctly laid down, that no assistance should be given to any school, normal or otherwise, unless the direction of it were retained, in order to see whether it conformed to the regulations of the several schools, with such improvements as might from time to time suggest themselves. If this scheme were to meet with the sanction of Parliament, they would be putting the whole education of the country into the hands of a committee of the Privy Council—delivering it over, bound hand and foot, into the absolute power of four Lords of the Treasury, and the secretary and inspectors whom they might choose to appoint, to carry into effect certain regulations which they might hereafter think fit to lay down, but of which Parliament was to have no cognizance. Had any part of the scheme been abandoned? Against the normal schools, which were to be placed under the superintendence of the individual called "rector," the outcry through the country had been so great that the Government found it impossible to defend that portion of their scheme. But let it not be supposed that, because they came out with a new scheme, they had abandoned that portion of the former one. No such thing.

"The committee are of opinion (says the Minute) that the most useful application of any sums voted by Parliament would consist in the employment of those monies in the establishment of a normal school, under the direction of the State, and not placed under the management of a voluntary society. The committee, however, experience so much difficulty in reconciling conflicting views respecting the provisions which they are desirous to make in furtherance of your Majesty's wish that the children and teachers instructed in this school should be duly trained in the principles of the Christian religion, while the rights of conscience should be respected, that it is not in the power of the committee to mature a plan for the accomplishment of this design without further consideration; and they, therefore, postpone taking any steps for this purpose until greater concurrence of opinion is found to prevail."

Who was to be the judge as to when this increased concurrence of opinion was to take place? It was quite manifest that, while Parliament continued to sit, the concurrence of opinion would be against the committee. But it was equally manifest, that the committee of the Privy Council still clung to this portion of their scheme, and still meant to introduce it, unless the plan was strongly negatived, and meant to do that when Parliament was not sitting which they could not attempt to do while it continued to sit. When, in some two months, hon. Members should have returned to their homes, and when the Government would have obtained this grant of money, not upon the abandonment, but upon the postponement, of their scheme—then, indeed, it would be an easy matter for the Government to declare, that there was a change in the opinion of the country upon the subject. "When you, the House of Commons," concluded the noble Lord, "shall have consented to yield into the hands of the Ministers these large discretionary powers, it is very possible, that the return for yielding them will be to use those very powers for the introduction of a scheme which to your face they would not attempt to defend, but to which they still tenaciously cling. I feel that I have trespassed on your attention too long. I feel that I have very inadequately discharged the duty which I have thought it requisite to impose upon myself. But I feel confident in the good feeling which animates the majority of the inhabitants of this country. I feel confident that the majority—that the vast majority of the religious public of all denominations have already condemned this scheme and the Council in which it originated; that the bulk of the constituencies in this country have condemned and will continue to condemn it; and I am not without hope, that, yielding to the manifestation of public opinion, the majority of this House will not be found this night to sanction a scheme which has already been condemned—unequivocally condemned—by the religious public, and denounced by the bulk of the constituencies, which takes away from the legitimate authority of Parliament that control which it ought to exercise over the education of the people, and vests it in an irresponsible jurisdiction—which separates the religious education of the Established Church from the supervision of her authorised ministers, for which, if improperly delegated to laymen, of whatever persuasion, you will have no ground for reproaching them (as they have already altered their scheme once) with changing its entire form and substance, if it so should please them, hereafter; and which, if you do not repudiate at once, you will have lent your hands to the establishment, as I firmly believe, of a system which has a direct tendency to unsettle the minds of the young people of this country; which will, however unjustly, induce a general belief that, in the mind of the Legislature, an equal degree of authority is due to all versions of the Scriptures whatever, and that it is a matter of perfect indifference in what creed the population of this country shall be brought up; and, finally, which by presenting before the eyes of our youth as of equal weight and equal authority matters which should be so carefully distinguished as distinct versions of the sacred writings, and essential differences in point of faith, would speedily sap the foundations of all faith, and, what constitutes in my estimation the strongest ground of objection to the measure, would gradually lead to general scepticism, and from general scepticism to national infidelity."

Viscount *Morpeth* had been almost inclined to flatter himself that all essential differences between the noble Lord who had just sat down and himself were confined to questions relating to Ireland, but he certainly had indulged in this expectation, that if there was one topic, English or Irish, upon which he might have hoped for the happiness of agreeing with the noble Lord, that topic would have been the subject of general education. However, the speech to which he had just listened had dissolved this pleasing expectation, for he conceived that the speech of the noble Lord, and the amendment with which he concluded it, went to this extent—to separate and divide, by a specific vote of the House, the executive government of the country, the responsible Ministers of the Crown, from all care, all superintendence, and all control over the general education of the people. Now, that decidedly was an object wholly at variance with that which he should seek to attain by his vote upon the present motion. For, so far was he from agreeing with the noble Lord in such a design, that he owned it was his wish that the control and superintendence which the Government was to exercise over the education of the people should be exercised more largely and fully than it could be under any circumstances that could result from the vote which his noble Friend, the Secretary for the Home Department, that night intended to submit to the House. There were, however, many reasons, sufficiently strong in their practical effect, if not in abstract reason and theory, for not pressing the interference of Government any further than was at present proposed. Those reasons were to be found in the difference of opinion in that House and in the country upon the subject; they were to be found in the great variety of religious denominations and doctrines which existed in the nation, and in the fact that those who professed these doctrines were more eager to maintain their own tenets than to tolerate different opinions in others. But, under all those circumstances, he thought the Government had exercised a sound discretion in forbearing to press any further the scheme originally proposed, not because, in spite of all the taunts of the noble Lord, he had any doubt whatever as to the beneficial tendency of that scheme, or that such would have appeared to be its nature, if the matter had been fully sifted, but because he thought it better not to press on a proposition of the highest importance in the teeth of objections which, however groundless or mistaken they might be, did certainly proceed from quarters quite opposite to each other, and from persons who differed in essential principles. He, therefore, thought a sound discretion had been exercised, and whether it might give a triumph or not to any party, he did not feel called upon at present to enter into the merits of the scheme which had been abandoned. He knew too well his own deficiencies to encounter the gladiatorial talents of the noble Lord. When the noble Lord had been so liberal of not the most graceful taunts and imputations against his noble and right hon. Friends, and had not felt himself restrained from using them by the remembrance of his former intimacy and long acquaintance with those noble and right hon. Friends, felt that he had no right to quarrel with the expressions which the noble Lord had thought proper to use. But what was the chief point of his speech and amendment? Why, whether the responsible Ministers of the country should have any share whatever, however small, or however curtailed or inadequate, in superintending the general education of the people. The noble Lord had laid great stress upon the Board being irresponsible and wholly unauthorized by Parliament. Now, he thought that if any Board could be considered responsible to the country, one composed of removable ministers was eminently so, and in a much greater degree than any permanent body could possibly be, certainly far more responsible than the Board which originated with the noble Lord himself for controlling education in the sister country of Ireland. Why, the very circumstance that the noble Lord had chosen for the subject of his taunts was a proof of the responsibility of the board, and showed that the proceedings of the Privy Council must be swayed by the opinion of Parliament and the country, for it was nothing else than the hostile feeling which he had already admitted to exist with respect to the former plan which had caused the Government to withdraw that plan, and to substitute in its stead one more adapted to obtain the sanction of the country in general. The noble Lord had complained, that, according to this plan, public education would depend upon the discretion and control of a board which was subject to the control of one House of Parliament only, and not of the Legislature; but the present would not be the first grant to which that observation applied. The proposed grant of 30,000*l.*, in this respect, differed not at all from the grant of 20,000*l.* He did not say that the two grants did not differ in other respects, but they both resembled each other in this, that they were subject to the control of one branch of the Legislature alone. A single vote had been given in that House on each proposition, and it was clear that the other House of Parliament had had no voice in the matter. The noble Lord had expressed his repugnance to rest the whole public education of the country upon a Treasury Minute, while, in fact, it had rested as much upon a Treasury minute for the last four years, as it was now proposed that it should. With his feelings upon the subject of national education, he should be glad to see the establishment of a permanent board, which should command the respect and confidence of the country, and should distribute the funds placed at its disposal in a proper and authorized manner. But he asked what were the means, where were the materials, to be employed in constructing such a board? He believed that the noble Lord himself had tried to bring together the National Society and the British and Foreign School Society for the purpose of forming such a body. What was the very first difficulty that had presented itself?—Why, this—that the National Society insisted upon the Church catechism being made an essential part of the course of instruction to be given in the schools, while the British and Foreign School Society could not be prevailed upon to sanction any system of education in which the Church catechism formed an indispensable article. Now, he called the attention of the House to the nature of the scheme now submitted to them, for he could easily understand the dexterity of the noble Lord in trying to rivet the attention of the House to another scheme which was not now under consideration. What were the component parts of the present scheme? What was to be the destination of the moderate grant which it was now sought to obtain at the hands of the House? The Ministers had, as he had already observed, been prohibited from establishing a training-school for masters, a normal school, as it was commonly called, formed upon the best method that modern experience and knowledge could furnish. Now, he should not deny, if the question were now to be argued, that it was his opinion that such a system should be established in a school of this description as should make it capable of training masters of every description for which an adequate demand might exist in the country. From this intention, however, which he still maintained would have been a most beneficial one, the Government had been diverted, and they now proposed to grant one-third of the whole amount voted to the training schools of each of those two great educational societies, the National Society and the British and Foreign School Society. As he held both these societies in great honour,—the one as possessing the confidence of almost all the members of the Church of England, and the other as possessing the confidence of the greater part of the Dissenting bodies in this country, as well as that of very many members of the Established Church, he rejoiced that an equal portion of the grant was to be given to each of those societies; he should have been unwilling to draw any invidious distinction between them. Notwithstanding the clearness which was usually to be found in the noble Lord's speeches, he felt a little at a loss to understand upon what footing the noble Lord wished to rest the public aid to be granted for the purposes of education. When the noble Lord stated that there could be no education without religion, but that religion ought to be interwoven with every part of the system, there was no one who was ready to give a more unmixed concurrence to that proposition than he was. But when the noble Lord quoted from old French statutes, and cited Lord Chief Justice Holt besides other quotations, carrying the mind back to feudal times, he wished to ascertain if the noble Lord meant that a system of education to be founded now, was to be regulated upon the model of the dark ages. And when the noble Lord said, that it was not expedient to take the education of the children of members of the Church of England out of the hands of that Church, he could not help asking, who had ever made any such proposition? He quite assented to the proposition of the noble Lord, when he said that education could not be separated from religion, but he felt some difficulty in laying it down as broadly as he understood the noble Lord to do, that education might not exist apart from the Church. He admitted the correctness of the noble Lord's statement, when he said, that in the present plan, there was a departure from two rules which had been previously observed, one of them being that the public aid should be proportionate to the amount of private subscriptions in the district, and the other being to extend that aid to no schools except such as were connected with the two societies to which he had referred. Now, as to the first of these points, the dependence of the amount of public aid, or that of private contribution, the course now proposed to be taken was, so far from being a plan suggested for the first time by the Government, that he found in the report of the select committee upon the education of the poorer classes, a resolution that the amount of assistance afforded by Government should be regulated as heretofore, subject to modification of their rules in cases where the poverty of the district was proved to require it, the specific ground being reported in each case. From the spirit of that recommendation he had no wish to depart. If the rule were not subject to such a modification, it might exclude from all participation in the bounty of the state districts where there existed the largest population and the greatest destitution, but which were prevented, by their comparative poverty from entering successfully in the race of competition with their more opulent neighbours, who might stand less in need of public assistance. With regard to the other point—that of extending the benefit of the grant in some cases to schools unconnected with either of the two societies, he felt no wish to disguise his opinion, that the first duty of the committee of the Privy Council, or of any board in which it might be considered proper to vest the functions now discharged by that committee, was to extend by far the greatest proportion of assistance to the most numerous body of persons in this country—namely, those who had confidence in these two societies; yet he thought it would be fair, and just, and proper, when any application was made for a grant of the money of the nation for the general purpose of education, no considerable body of persons whatever ought to be excluded formally and irrevocably from the intended benefit, it being always understood that, to entitle themselves to it, they must, in point of numbers and destitution, make out a fair and reasonable claim. He was, he repeated, unable to understand the grounds of the present objection. In opposition to the former scheme of the Government, it had been objected that it was impracticable, and that it was a wretched compromise, because it attempted to unite the education of children whose parents held different religious opinions. Now, whether those objections were well founded or not, they were certainly intelligible. He might consider it inconsistent in the noble Lord opposite (Lord Stanley) to make such objections, while he lauded the system adopted by the British and Foreign School Society which was in fact the same as that which the noble Lord inveighed against so vehemently. But still the objections themselves could be understood. But no such union was proposed now. The noble Lord appeared to have shifted his ground, and to oppose the present scheme with equal vehemence, although the ground of objection was removed. What was the principle, then, on which the noble Lord himself meant to go? Was he prepared to say, that it would be right and proper to exclude certain proscribed classes in this country from the benefits of the public grant? He had no high opinion of many of the doctrines of the Roman Catholics; he had his own notions respecting Unitarian tenets, and he thought, that the state of opinion prevailing in this country, being Protestant and Trinitarian, those who held such opinions were entitled to have the greatest proportion of all public grants applied for their benefit; but, nevertheless, as long as the State thought proper to employ Roman Catholic sinews and to finger Unitarian gold, it could not refuse to extend to those by whom it so profited the blessings of education. The noble Lord had made great objection to the appointment of inspectors, and to the power which was reserved to the committee of introducing such improvements as experience might suggest. Now, he thought that the spirit which prevailed throughout the report of the council completely refuted the insinuation that any offensive regulations would be introduced under this power. What were the words of the report already quoted by the noble Lord? Why these—"That the right of inspection be retained in order to secure a conformity to the regulations and discipline established in several schools, with such improvements as might be suggested by the committee," thereby implying, that the original design of the schools was to be kept closely in view. It was clear that it was not intended to introduce any improvement that was not entirely consistent with the original designs of the several schools; and he thought it too much to say, that no improvement of such a nature should be introduced, if, on inquiry and examination, it seemed necessary. For these reasons he thought that the right of inspection ought to be retained. The noble Lord had himself acknowledged that where the State did endow any public body or institution they should be able to say that a proper power of inspection was guaranteed. He thought that that could not be satisfactorily done by the exertions of private societies. Much as he admired and approved of the general system of operation of the two societies to which allusion had been so often made, he did not think that any one would be found to assert, that all the schools connected with those societies were carried on with a proper degree of efficiency and regularity. It was for the purpose of introducing a better method, but, at the same time, in strict consistency with the original design of those societies, that the State was desirous of retaining the power of inspection; and if it were desirous that that power should be kept in view, and systematically acted upon, he knew none upon whom it could more properly devolve than the responsible Ministers of the Crown, who were the servants of the public, to whom complaints of every description were naturally carried, and who, if any misappropriation of the public funds should prevail, or be suspected to prevail, would be at hand to give the necessary explanations. The noble Lord had thrown out sundry objections against the constitution of the committee. Of course, if the persons composing that committee failed to enjoy the noble Lord's confidence, that was a point upon which he should make up his own mind, and upon which he could not be expected to go along with him. The noble Lord seemed to think, that it would be more fit and proper to have ecclesiastical authorities placed upon the board. In his opinion, that would immeasurably increase the jealousies and soreness which were unhappily too rife in the country, if ecclesiastical authorities were actually constituted members of the board. If the Bishop of London, of whom the Church was so justly proud, were placed upon the board, Protestant Dissenters might think themselves entitled to the same advantage, and ask to have Dr. Pye Smith, or some other distinguished dissenting divine, placed upon it also; and after the debate of the previous night on the subject of a petition purporting to come from the Archbishop of Tuam, it would not be very surprising if a demand were likewise made to place upon that board of national education a holder of episcopal jurisdiction *in partibus infidelium.* Let the prelates and pastors of every denomination tender, as the organs of the several bodies with which they were associated, such suggestions and advice as they might think best calculated to carry out the common munificent end which all had in view. By adopting that course, instead of the course suggested by the noble Lord, they would avoid giving rise to those impressions of favouritism and exclusiveness which would necessarily rise, if these persons were to be constituted the authorized dispensers of the public funds. He would not attempt to follow the noble Lord into the more general view which he had taken of the subject. If hon. Gentlemen on the other side of the House were of opinion, that they could propose a scheme more likely to reconcile conflicting objections, he should be very glad to hear what it was. He would be content with any beginning, however humble, which would extend the blessings of education, without infringing in any respect upon the religious rights and liberties of the people. He confessed he was comparatively indifferent to any abuse that might be heaped upon them in the prosecution of such an object. Neither was he so anxious as some hon. Members seemed to be about the particular and specific form in which a vote upon the subject should be brought before the House. What he wanted was a system of general education. He wanted to have Churchmen better educated, Dissenters better educated, those whose belief was called orthodox, and those whose belief was called heterodox, in short, the great mass of the people he wanted to have educated in a better and more efficient manner. The more any one was convinced of the truth, the justice, and the trustworthiness of his own opinion, the less would he be afraid of any examination or competition; and he must say, if the opinions which he held to be true were destined to fall, he would rather infinitely that they should fall, not prostrate under the mass of undiscerning and brutal ignorance, but under the weapons of enlightened and well-informed opponents. He thought that hitherto all parties had been deficient in their duty upon the subject of national education. He did not wish to excite any angry recrimination by reference to what was passed; but he could not avoid saying, that the Church, that the State, and that Dissenters generally had been deficient in their duty upon this subject. He was rejoiced to see a prospect of better things before him, he was rejoiced to see the competing energies of every party revived, and he was willing to lend his aid on this, as he should be on every future occasion, to the further developement of what he conceived to be a great work of national improvement.

Lord *Ashley* said, that the speech of the noble Lord who had just sat down was calculated to create in his mind certain misgivings in reference to the intentions of the Government on this subject, even if he had not previously had reason to entertain them. The noble Lord had plainly told them, that not only did he think that the Government of this country ought to possess themselves of the control and guardianship at present exercised over the education of the people, but that control and guardianship ought to be extended. The noble Lord, the Secretary of State for the Home Department, had withdrawn his first plan of education, and proposed another, which, in his opinion, was equally objectionable; for, although he did not see in these two plans an identity of language, he did of purpose. They were animated by the same spirit, they tended to the same end, and if they were not controlled by a vote of that House, they would unquestionably work out the same results. What powers, he should like to know, were conferred by the first minute that were not reserved in the second? The first declared what powers were to be exercised, and the second reserved the optional exercise of those powers. The second certainly did not state that a normal school, or that a model school should be erected; but was there any thing in that second minute to preclude it? Were they not even told in plain terms that the first plan, that favoured scheme of Government, and against which the country had made so bold a stand, was not suppressed, but only postponed? Were they not told, that the Government were only reserving it for further consideration? Had not the noble Lord expressed a hope that that postponement would not be of long duration? Had they not heard him, a Minister of the Crown, say that he still entertained the same opinions on the subject? That being the case, the noble Lord, as a man of principle, would no doubt avail himself of the very first opportunity of carrying out that which he considered to be essential for the well-being of the community. But it was not the party to which he belonged alone, that was of the opinion that the powers stated in the first minute, and supposed to be abandoned, were still reserved by the committee of the Privy Council, to be exercised, in all probability, on the first opportunity. Had the noble Lord read the resolutions which had been agreed to at a meeting of the united committees of the Wesleyan Methodists held on Monday and Wednesday last, and other Wesleyan meetings of the day? If he had, he would have found that his party entertained no scruples, not entertained by that class of the community. At the meeting to which he had just alluded, the following resolution was one of a series that had been passed:—

> "That the regrets of this meeting are necessarily associated with feelings of continued apprehension and alarm, when they further learn from the recent 'report' that the committee of council have not by any means explicitly and frankly abandoned the plan in question, but have simply withdrawn it for the present on account of the 'difficulties' which they experienced 'in reconciling conflicting views;' reserving their original design 'for further consideration,' and stating that 'they therefore postpone taking any steps' 'until greater concurrence of opinion is found to prevail.'"

He would also quote the opinions of other parties—of persons not supposed to entertain the same apprehensions as they (the Conservatives) did. Speaking of what he called the "modified proposition for an educational grant," the writer he was about to quote said,

> "By the proposition as it now stands the committee of the Privy Council will have the right of suggesting improvements in the schools connected with either the National or the British and Foreign Society, which may receive portions of the grant."

Let the House remark what followed:

> "Nor will the grants be restricted to schools in connexion with the two great societies. An unfettered discretion is proposed for the committee. They would even be at liberty to make advances to a normal school, should there be one instituted by Mr. Wyse and the Central Society of Education."

Undoubtedly they would. But were these the words of a Tory writer? On the contrary, they were the words of a chief supporter of her Majesty's Government, the words of a leading article in the *Morning Chronicle* of two days ago. What then was to guard them against a revival of the first plan? Who was to be the judge of a greater concurrence of opinion? Was there anything in the language of the document itself, or anything in the conduct of her Majesty's ministers, that they could with confidence rely upon? He apprehended not. If the noble Lord was not disposed to carry out all the objectionable principles of his first plan, why did he not tie up the hands of the committee by a bill which would leave no doubt upon the subject, and under which no mischief could arise? He felt, that this was a painful discussion, a discussion which called for the most open avowal of opinions—one which he must say was forced upon them by the solemn nature of the propositions submitted by her Majesty's Government, and on which he felt that he must either say what might be unpleasant to some in a House of mixed opinions, or be silent altogether. He could, however, assure the House, that while he should speak with all the liberty which he was ready to concede to others on matters of belief, he would do so with the strongest feeling of personal respect towards every Member in it. The importance of the subject was too sacred to admit of suppression or compromise. It involved the control over and possession of the youthful mind of the country, and consequently the temporal and eternal destinies of countless millions. The scheme propounded to the House he believed to be hostile to the Constitution, to the Church, and to revealed religion itself. He did not mean to assert, that it was unconstitutional. A measure might not be unconstitutional, and yet be very averse to the Constitution under which we lived, by giving an exaggerated and undue stretch of prerogative. Her Majesty, for instance, might proclaim war, when war would be very injurious to the country, and had also the power to create an unlimited number of Peers. He merely said this to illustrate his argument, that though a measure might not be unconstitutional, it might nevertheless be very adverse to the Constitution. In that light did he view this committee of Privy Council. The preamble of the document before the House was by no means in keeping with the rest of it. That committee was not only to distribute the funds intrusted to its charge, but to insert and enforce a new scheme of education, They were to determine not only in what form were the people to be instructed, but what the instruction was to be. They were to say, what was the form of belief to be propagated, and what was to be common to all, and what was to be considered special to the few. They were also to enact rules by which they were to afford assistance. What enormous powers to confer upon any body of men, and what a precedent to establish for future Governments to follow! They were only called upon to vote 30,000*l.* this year; but there was no obstacle to their being called upon next year for 1,000,000*l.*, and that for the purpose of acquiring a dominion over the whole mind of the country. The noble Lord had not stated why he submitted the question in its present shape instead of a bill. Did he mean to say, that it did not demand the attention of the whole Legislature, or that the opinion of the other House was of no consequence upon such a subject? Surely a bill would have been more consistent with the sacred importance of the subject, inasmuch as it could be sent to the House of Lords, the only place where the Church was represented, and there receive the benefit of their Lordships' deliberation. The noble Lord, failing to do that, was at least bound to lay down some public grounds for the course which he was pursuing. When he converted such a measure into a single money vote, to be agreed to by one branch of the Legislature, he was at least called upon to state some public grounds for doing so. The House must feel, as he himself very strongly felt, that it would be impossible for him to enter in detail into all, or anything like all, the evils with which the proposed change was fraught; indeed, it was the less necessary, that he should dwell upon those topics, for they had been exposed, not once, but twice or three times. He should rather confine himself to the more prominent features of the subject, amongst which were the great, the inordinate, the indefinite powers proposed to be conferred upon the committee of the Privy Council. The measure was one which must of necessity be regarded by future times as a precedent which other governments would feel themselves warranted in following, a precedent which he did not hesitate to foretell would ultimately prove injurious to the principles upon which the constitution of England was founded. Believing the measure, as he did, to be pregnant with mischief, he could not refrain from saying, that he thought it in all respects hostile to the constitution, and hostile to the Church. Its first and most remarkable effect would be to deprive the Church of all control over its own members, by depriving the Church of all influence over the schools at which they were educated; it was, moreover, placing the Church in this disadvantageous situation—that if they accepted the grant, half the old and probably all the new schools would be taken from under the direction of the Church by law established. If joint inspectors were appointed, the effect still would be the exclusion of the Church from all proper influence and control. What had the Church found to be the case? That the funds of the Church were used for the purpose of assailing her rights. If they denied the Church those fair and just rights to which she was entitled, they at least ought not to use her own property to her disadvantage. It was proposed to establish normal schools, but it was at the same time certain, that many persons would be found in those normal schools professing opinions and acting upon principles adverse to the interests of the Established Church. It could not perhaps justly be said of those individuals, that they hated the Church, because in fact they did not know the Church; but it was proposed at those normal schools to impart to the pupils knowledge, and subject them to discipline, and so direct both the knowledge and the discipline as to make them hate the Church towards which, if not now hostile, they were at least indifferent. It was evident, then, that the plan which her Majesty's Government proposed, was in effect an adoption of the voluntary system. By accepting a grant, the Church substantially gave up all control over the schools at which the people of this country were to be educated; and if the Church refused the grant, this would ensue, that the only religious body in the country recognized by the State, would be, that which received no pecuniary aid from the constituted authorities. He wished to inquire why the bench of bishops were excluded from and set aside by this committee of the Privy Council. They had been already apprised, that if the Church accepted the grant, the schools attended by children born in the Church of England, would be subjected to inspectors appointed by the board. It would seem also, that several conditions were to be annexed to the acceptance of the grant by the Church. If those conditions were well known beforehand, to be conditions of a nature such as the Church could not accede to, nothing would be more unjust than the offer of them. If they were already admitted and acted upon by the Church, there was clearly no necessity for connecting them with the proposed grant. Was there, he would ask, any limit to the powers with which it was proposed to invest the committee of the Privy Council? What guarantee had the country, that the vast powers conferred on this board would not be abused? The noble Lord opposite, the Member for the West riding of Yorkshire, had told them, that these powers would not be abused; with every possible respect for the declarations of that noble Lord, he must be allowed to say, that the speeches of a Member of that House; did not afford the species of a guarantee to which the country was fairly entitled; it was for this reason, as well as on many other grounds, that he must say they were bound to guard themselves against giving to any body of men a power so unlimited, and so indefinite. He was told, that the present vote might be made annual; true, it might; but he begged to remind the House, that the present Session was drawing to a close, that many months might elapse before Parliament again assembled, and that within that period an incalculable amount of mischief might be perpetrated, seeing how completely without control the operations of the board were left. But he objected in principle to such extensive powers being imparted, as by this proposition would be imparted, to men whose position did not qualify them to use it advantageously to the public; it was setting them to deal with principles which were beyond their grasp, and beyond their comprehension, which were out of their station and their class. The members of the Church of England and the Wesleyan Methodists, formed so very large a portion of the people of England, that their opinions and feelings became matters of paramount consideration in a question of this nature. Now, suppose the Churchmen and the Wesleyans were unable to accede to the proposed conditions, the whole 30,000*l.* would be at the disposal of the Privy Council, and might to the uttermost shilling, be used for promoting dissent, and bringing up children in hostility to the Church which by law was established in this country. The committee of the Privy Council might establish whatever schools they thought proper, whether they were Roman Catholic, or whether they were Socinian, or of no faith, or of that party-coloured, piebald religion which a certain school society patronized and sanctioned. The spirit in which the measure had been brought forward, was seriously reprehensible; it was presented to the country in such vague terms, that it must be rejected by four-fifths of the population. The Church included within it the vast mass of the people of England. What guarantee had been given to Parliament, that the members of the board would belong to the Church of England? They had been told, that there were to be model schools, and that the members of the Board were to superintend the reading of the Scriptures there; but no Bishop was to have anything to do with the matter; there was to be no representative of the Church on the Board; all was to be left to the judgment of persons who almost inevitably possessed very little knowledge of the subject—very little experience of matters of the sort. What were those model schools? Of course they were establishments which would be imitated in the great towns—in Manchester, Birmingham, and Liverpool. It was evident that the intention of the Government was to have these model schools imitated, for the Report gave that to be understood: what were its words?—

> "The Committee of the Privy Council were to have the power of appointing a licensed minister, to give separate religious instruction wherever the number in attendance on the model school, &c."

The word was not "whenever," but "wherever"—a distinction which he thought most material. It was obviously intended, that in whatever place a model school was set up, the Board should have the power to appoint a licensed minister. Again and again he would urge his objection to this fostering of dissent at the expense of the State. He objected, also, to the whole education of the country being placed in the hands of men of strong political bias and connexions. That upon which their power was to be erected proved a subject of the very gravest importance—it was nothing less than an alteration in the whole mind of the country; and why, he would ask, were the Committee of the Privy Council to have the power of aiding dissent by establishing schools for the use of Dissenters, wherever they were themselves unable or unwilling to do so, and that, too, at the expense of the State? Was it fitting that political men should be intrusted with such power in relation to matters affecting in the very highest degree the temporal and even the everlasting condition of the people committed to their charge? He could not help looking with horror on the hydra which the plan would call into existence. He would not, of course, apply that remark to any system of vital education, knowing well that it was the duty of every man who had the means to contribute as well to the temporal welfare of his fellow-men as to that which was everlasting. In discussing a subject such as the motion then under the consideration of the House, it was not unimportant to bear in mind that the parochial clergy could exercise no beneficial influence upon the schools; but it was even more important to observe, that if the resolution were affirmed, it would amount to a declaration that every child in the country was entitled to be trained at the expense of the State, in the faith in which he was born. He was glad to ascertain the fact that such was the interpretation put upon the vote by her Majesty's Government. If the State were to pay for the training of children in every variety of dissent, why was not that avowed on the face of the minutes? Why wait to have such a fact extracted in debate? It was of the utmost importance that Parliament should know that the Ministers of the Crown were of opinion that the State ought to look with an equal eye upon every religious denomination, making no distinction between that Church to which they professed to belong and those sects which they professed to abhor. The noble Lord cheered. [Lord *John Russell* had not cheered.] Far be it from him to show up any dissension which existed between Ministers sitting in the Committee of the Privy Council. But this at least was clear, that a more crude, and he must say, ignorant proposition, never was submitted to any assembly than that they were now discussing; in proof of which he had only to refer to the fact, that the two Ministers of the Crown who were to form one half of the whole Board of Privy Council, sitting side by side in that House, gave each other the most flat contradiction. He had no doubt the dexterity of his noble and right hon. Friends would enable them to reconcile the difference between them, but certainly they now appeared to him "wide as the poles asunder." This afforded another proof, however, that a scheme of this sort, affecting the temporal government of the Church and the spiritual interests of a large body of the people, should not be discussed and disposed of on a single vote. The subject ought to have been submitted in the shape of a bill to the deliberate and serious consideration of Parliament, after an opportunity had been afforded for fairly canvassing its merits throughout the country at large. It was true, that the country had already, up to the present moment, expressed its opinion openly and most vigorously upon this subject; but Government having in the mean time propounded a modified scheme, they assumed that the hostility which had been manifested was directed against the former, not against the present measure. The fact was, the people of this country understood the two schemes to be identical, and his firm conviction was, whenever a sufficient opportunity was afforded, the country would repudiate still more strongly this strange phenomenon—this hideous chimera of an educational Committee of the Privy Council. His firm and solemn belief was, he would avow it before the country, under all circumstances, and in all places, that this plan of national education was hostile to revealed religion itself. He did not charge the members of the Privy Council with the unlawful intention; but speaking of the plan as it came before him, he repeated such was his conviction, and the conviction he would add, of nine-tenths of those of all ranks and sects with whom he had conversed. What was the meaning, he would ask, of dividing religion into general and special? Was ever such a disjunction of the most sacred truths put before as the frontispiece of a national system of education? What God had joined together let no man put asunder. ["Hear," and a laugh on the Ministerial benches.] He was not to be put down by clamour. He would only say, with all deference, that those who laughed when he touched upon such a subject did not represent the people of England.

Where was the distinction founded, he asked, between general and special religion? What authority had they for it? Where did they find it? Did they find it in the primitive fathers, in the founders of the Reformed Church, or in the Bible itself? Such a distinction was not to be found in any writer with whom he was acquainted; it was nowhere to be found in the Holy Scriptures, nor did he believe it existed in the nature of things. The discovery was reserved for the crude, and he must say, presumptuous, analysis of the committee of the Privy Council. It was said, that religion was to be combined with the whole matter of instruction. Was it the general or special religion that was to be so combined? Could they answer that question? Did they mean, when they used the term religion, a part or the whole of religion? What right had they to withhold any part of the word of revelation? By this division of general and special they might include every or exclude any religion. They might include the Deist, who takes the religion of nature. They might exclude every single form of faith by rejecting their specialities. They separated doctrine from precept, and destroyed the sanctions of the precept by suppressing the doctrine. They would teach children that moral precepts were of great value, because they were of universal application; and they would likewise teach them that doctrine was of inferior value, because it was necessary only for a few—that was the principle laid down. They could not escape from the conclusion that what was necessary for all, must be of more value than what was only necessary for a few. They declared that general religion, by which he supposed they meant moral principles, was superior to special religion, by which they meant the special doctrines and peculiar truths of the Gospel. In a letter which had appeared in the papers from Dr. Kaye—and which he supposed, from the situation held by that gentleman, must be supposed to be official, there was a most infelicitous example of what was meant by general religion. The writer quoted the sermon on the Mount as an illustration of what was meant by general religion; was there ever a more unhappy instance? What was the value of the sermon on the Mount? Whence did it derive its sanction and authority but from the person by whom it was spoken? If, in teaching the children, they suppressed the character of the person by whom it was spoken, or undertook to teach children, as they were about to do, by special ministers appointed for that purpose—that the character which that person assumed, and which nine-tenths of the people of England attributed to him was not the true character—how could they, in such a case, put forth the sermon on the Mount as an instance of general religion? It was the privilege and peculiarity of Christianity that it was not delivered by a secondary person nor by a prophet, but from the very mouth of the Son of God himself. The instance which Dr. Kaye gave of general religion was, of all others, calculated to show the inevitable necessity, if they would have children grounded in their faith and in the truth of the Gospel, of pointing out to them the specific, unmistakeable character of the person who, in delivering the sermon on the Mount, gave validity, and the only validity, to the precepts it contained. In the model school which was to form part of the proposed normal school, this distinction of religion into general and special was to take place; and when it was objected, that religion was not to be taught in this school, the objection was met by a reference to the clause in the minute, which stated, that religion was to be combined with the whole matter of instruction. But he asked again, what kind of religion could they teach if they abstained from teaching and enforcing special doctrines? If the children were to be taught this general religion together and in open school, and then taken asunder for special instruction in the tenets of each, could that have a beneficial effect upon the children? Could it be beneficial to them to be told so early in life, that religious opinions were so shifting and varying—that some might be taught one thing and some another—that there was no certainty whatever—and that the instruction given in one place was the reverse of the instruction in another? He would imagine a case which might easily occur. He would imagine three children sitting side by side—one a member of the Church of England, another a child of Socinian parents, and the third a child born of Jewish parents. Let those three children read together in school, during the time of general instruction, some particular portions of the Bible suppose the 53d chapter of Isaiah. Let those children be taken away immediately after for the purpose of special instruction from his own minister. What would be the effect on the minds of those three children? The child of the Church of England would learn the great, necessary, and saving truths in which nine-tenths of the community agree. The Socinian child would be taught that what the Church of England child believed, was most gross error, and that the person to whom the prophecy referred was, in fact, no better than a mere man. But the Jewish child was taught to believe, that the whole thing from first to last was an absolute imposition. It was impossible, that these children could think any belief established or certain. The result would be universal scepticism, or a universal belief that there was nothing necessary—nothing certain. It was a new thing for the State to undertake to teach contradictions. If the State refused to teach the true doctrine, it certainly was not at liberty to teach what it believed to be false. A noble Friend of his in that House, once asked him, what was truth? That question might be asked in any country but this, or by a man who professed to belong to no creed; but how a man professing to belong to the Established Church of England could ask what was truth, was to him a wonder. Perhaps it was rhetorical, but even as rhetorical, it was a question that no member of the Church of England had a right to put. The State adopted the Church of England as the true Church, and if it did not enforce her tenets in education, it had no right to countenance others. He had no authority to speak but for himself. But he knew the sentiments of a great many, and he was perfectly satisfied that he expressed their opinion in saying, that if the State did not teach truth, it was far better that it should not teach any thing at all. He could not understand on what principles the State should undertake to teach what it knew and declared to be false. It was far better that nothing should be taught than that the Church of England established should be called upon to preach from her pulpits the great, saving, and necessary doctrines of Christianity, while the State should at the same moment establish ministers in her schools to controvert, and, to the utmost of their power, to overthrow those same great, necessary, and saving truths. Another difficulty connected with this system would arise from the various versions of the Scriptures which must be admitted; because, if permission were given to use the Popish version, it could not well be refused to the Unitarian version. It had been said by Dr. Kaye, that no harm would accrue from this part of the system, as the Romish version of the Bible would only be given to the children when they were placed in separate apartments, according to their creed. Now the minute said, "that a portion of every day was to be devoted to the reading of the Scriptures in the school, under the general direction of the committee and superintendence of the rector;" and further, that "Roman Catholics, if their parents or guardians required it, were to read their own version of the Scriptures, either at the time fixed for reading the Scriptures, or at the hours of special instruction." How, then, could it be asserted, after the alternative so expressly laid down in this paragraph, that the reading of the Roman Catholic version of the Bible was only to be permitted at the hours of special instruction? There were a great many objections to the reading of the Roman Catholic version of the Bible which he deemed it unnecessary to mention on the present occasion; but the very circumstance of having conflicting versions of the Bible in the schools—as, for instance, the Unitarian version, where parts were struck out as apocryphal which we deemed authentic, and the Roman Catholic version, where parts were introduced as authentic, which we deemed apocryphal, must, of necessity, lead to the most injurious consequences. Again, it appeared from the minute, that the normal school, to the establishment of which he had many objections, was only to be postponed for a time. The noble Lord, the Member for the West Riding, had stated most distinctly, that he considered the normal school of the greatest importance, and that, in his opinion, an appropriation of the public funds to its support was highly advisable. Now the model schools naturally followed the establishment of the normal school, and were so connected with each other as to be inseparable. Let the House, then, look to the qualification of the teachers. It was stated in the minute, that "the religious instruction of the candidate teachers was to form an essential and prominent element in their studies." That immediately raised the question, "What is that religious instruction to be?" Were they to understand that persons of all religious denominations were to be taught alike at the expense of the state? Were they to understand that Roman Catholics and Socinians were to be trained and fostered at the expense of the State to enter hereafter as teachers of their respective doctrines into schools licensed and supported by the state? It appeared from the minute that "no certificate was to be granted, unless the authorised religious teacher previously attested his confidence in the character, religious knowledge and zeal of the candidate whose religious instruction he had superintended." Hence it was evident that unless such a certificate was granted, every candidate must be rejected. What would this lead to? That all conflicting opinions would be so entirely impressed on each sect, that any one teacher who might exhibit a possibility of deviating into truth would be rejected by the committee. The day schools must necessarily be constructed of all sects, to afford the teachers an opportunity of practising their skill; and when that skill was exercised, what a picture would be presented to the country, what a pantheon would be erected in the midst of it! But why was all this necessary? Why should they think of changing a system that was already working well? The Church of England was charged with bigotry, exclusiveness, and monopoly, because she resisted the scheme proposed by Ministers. Why was she to be charged with bigotry, when, if she accepted that scheme she must surrender her own principles? Why was she to be charged with monopoly, when she had asked for no grant—when she had made no demand for assistance? Had she desired any scheme of national education? No, all that she had asked for, and all that she now asked for, was, that if you were determined to establish a system of national education, it should not be one that was conflicting with her doctrines. Why was she to be charged with exclusiveness? Had she protested against the distribution of the 20,000*l.* annually granted for the purposes of education? Was that sum given to her friends exclusively? No, she had assented that other sects should receive some of the contributions of the state, and, in so doing, she had abated some other principles. But was she herself averse to the promotion of education? Quite the reverse, as the last report of the National Society of London proved most satisfactorily. In that report was the following statement:—

> The society has, by grants from its own funds, to the amount of 120,659*l.* directly aided, in the erection of schools, in 1,553 places, to the extent of two or three schools each in most of the parishes so assisted, and trained at its central school in London 2,695 teachers. The number of schools actually united to the society is at this time 6,778, which contain 597,911 children; whilst the total number, supported wholly or in part by benevolent individuals for the instruction of the poor in the same principles, amounts, (as ascertained by the last inquiry made by the National Society in 1837), to schools, 17,341; scholars, 1,003,087."

It must be borne in mind, that the sums granted by the National Society from its own funds were exclusive of the Government grants; so that the whole amount of grants, which have been distributed through the National Society for building school houses alone in 28 years, since its establishment, amounts to 190,781*l.* He thought that from this statement it was quite evident that the Church of England had made great efforts to impart to her members improvements on subjects of vital importance both in this world and the next. You might find fault with her pride, but you could not deny that she had given her members a sound, moral, and religious education. What, then, was the time which her Majesty's Ministers had selected for bringing forward their plan? Just at the time when the Church had made the most unprecedented efforts and had introduced large reforms in the mode and matter of her instruction—just at the time when she had made an appeal that was unprecedented in the history of the country—just at the time when she was carrying its action over all the length and breadth of the country. He would not enter further into the description of what she had done in this respect, for he trusted that that task would be undertaken by his hon. Friend the member for Somersetshire (Mr. Acland), who was most competent to discharge it. He would not detain the House much longer. He would only ask the noble Lord why he persisted in urging this motion against the feeling of nine-tenths of the people of England? What was his end in so doing? Success was hopeless. The noble Lord might carry his vote in that House, but he could not execute his plan elsewhere. He might obtain a triumph, a mere insulting triumph, over the feelings of the people of this country. But what said the resolutions of the Wesleyan Methodists? Were not those resolutions as strong as any of the language which he had himself used in addressing the House that evening? Would the noble Lord set aside the feelings of those excellent and exemplary men, who, though they differed little in faith from the Church, yet in ordinary times stood aloof from her, but who, nevertheless, had manfully come forward in her defence in this crisis of her danger? Yes, they had come forward on this occasion with a generosity which reflected on them the highest honour. By the first minute the Wesleyan Methodists could have had no share in this educational grant; by the last minute they were brought within its conditions. They had, however, generously discarded all views of private interest; for they saw that if they did not shut the door at once against abuses, they would be opening a path to error, which they might, perhaps, never have the opportunity of closing hereafter. This ought to be known for their credit, for it showed that they were acting, not from party or from political motives, but with the most perfect sincerity and disinterestedness, from the most exalted motives which could adorn and dignify human nature. He, therefore, now gave notice, that if it should be deemed advisable by her Majesty's Ministers to revert to their first minute, he should move an address to the Crown praying that the Wesleyan Methodists should be admitted within the terms of the grant as a third society. Could the noble Lord doubt whether the Church of England were the true Church? If he could why was the noble Lord a member of it? The noble Lord might call its conduct bigotry and fanaticism, but he maintained, that it was the solemn sentiment of a nation, and, as such, entitled to respect. Would the noble Lord force his plan upon the country? That would be persecution, and the more ridiculous as it would be undertaken to carry out principles which as members of the Established Church, the Ministers must deny. He recollected well the time when the Dissenters petitioned for the abolition of church-rates, on the ground that they ought not to be called on to support a church in the doctrines of which they did not believe. The Dissenters on that occasion pleaded conscience, Ministers allowed their plea, and proposed a remedy for what was called a grievance. They were, however, left in a minority, but their proceeding, though unsuccessful, ought not to be forgotten. They proposed to do away with an impost which had existed for 800 years, and under which all the property of the country had been taken. Now, they proposed to force on a large majority of the country a novel tax for the purpose of giving instruction in creeds which they consider to be unscriptural and false, and which they declare to be repugnant not only to their feelings, but also to their faith and religion. He knew that in making these remarks, he exposed himself to the charge of illiberality and bigotry. He regretted it, but he could not for any consideration consent to abate the expression of any of the sentiments which he had avowed that evening. He had no objection, but the reverse, to receive any plan which should tend to the moral advancement of the people of England, but he never would consent to any plan that would sever religious from secular education. No, he would risk any obloquy, he would dare any contempt, he would incur any hazard, he would put in jeopardy any one thing in this country rather than, by departing from the true and simple faith of the gospel, assent to a system of religious education, which would inculcate the worship of saints, or teach the denial of the trinity.

Mr. *Hawes* observed, that of all the great questions which had been debated since he was in the House, he did not consider that there was one of them which involved a principle of higher importance than that which was then before them. He rejoiced that it had come to this issue—for the vital principle of religious liberty was now at stake—and now it was, that all who were determined to abide by the principle of the equality and impartiality of religious liberty throughout the country should give a hearty and steady support to the proposition of the Government. That great principle had been recognised by the Toleration Act; it had more recently been enforced in the repeal of the Test and Corporation

Acts, and still more recently by the passing of the Catholic Relief Bill. If anything more than another could give him pain, it was to find such a subject introduced to the notice of the House with so much bitterness of feeling—with so much intensity of uncharitableness, as marked the speech of the noble Lord who had introduced this subject. He owned, that from that noble Lord he expected—and he had a right to expect—a far different course; for, short as had been his experience in that House, yet it was sufficiently long for him to remember, with what satisfaction he had listened to the noble Lord when speaking upon this very subject, and when the noble Lord had, as he conceived, adopted principles which, in common with himself, and which the noble Lord seemed to have forgotten in the debate of that evening. When the noble Lord began taunting the noble Secretary for the Home Department with having slipped away from a plan which he had proposed. The noble Lord might permit him, with all humility to say, that he should much prefer the accusation being made against him of slipping away from a plan, than slipping away from all the great principles which he had once professed. He well remembered, when the noble Lord opposite had made a most eloquent speech on this subject—one that was so fresh in his mind, that he could instantly turn to the page in which it was recorded, and which contained the first great principle which ought to be adopted with respect to education. The noble Lord might be assured, he was not going to Ireland—he was coming nearer home—and the speech he referred to was made by the noble Lord with respect to the universities in England. The noble Lord then shewed the manner in which effect should be given to the principle to be enforced in education. That which he was now about to read he was ready to abide by. They were the words of the noble Lord, who then spoke of the effects of one common system of education, and thus described them:

"By bringing into one common system of education, and that not an irreligious system, all the various classes of Churchmen and Dissenters in this country, you will sink religious rancour and animosity, and establish in the minds of the youth of all sects and persuasions a bond of harmony and friendship which the struggles and vicissitudes of after life will not be sufficient to break, and which to the community at large will be communicative of the greatest benefits and advantages."

Now, having read that extract, he should much like to know how all classes of churchmen and dissenters were to be thus united, by any system of education which stood exclusively upon a creed or a catechism. But the noble Lord continued by saying,

"I am most anxious to afford the Established Church every protection and support which can and ought to be given to it consistent with justice to all classes of the subjects of this kingdom; but of this I am confident, that it will not be best maintained by keeping up a system of injustice and exclusion; and if I may be allowed to express an opinion on the subject, I will frankly say, that in my mind the main cause of the spread of dissent has been occasioned amongst the lower classes by the insufficiency of the education and religious instruction with respect to the tenets of the Established Church, and amongst the higher classes by that strict line of exclusion which those who are desirous to protect the Church have drawn around it. I am satisfied that if you intend to attach particularly the higher classes of Dissenters to the Established Church, you can take no more effectual course to attain that object than by giving them a full participation in the same civil privileges, and admitting them to the fullest, freest, and most unreserved intercourse with the members of the Church of England in our general and national institutions."

Now, he should wish to know if anything could be more strictly consistent with the noble Lord's views than that which marked the plan proposed by the noble Lord, the Secretary of State, a scheme by which Churchmen and Dissenters would be educated together, and taught to forget the points of difference between them, and to prize those in which they agreed. The noble Lord had professed to admire very much that plan, by which the Treasury heretofore had allotted sums to different societies in proportion to the sums which they had subscribed. He now asked, was it just that the wealthiest societies, and the largest societies, should receive the largest sums of money? If all contributed to a common fund, ought not all to participate in its common advantages? No, said the noble Lord. There might be some districts marked by poverty and dissent, and in that district, where a large sum ought, in fact, to be expended, it was, according to the plan praised so highly by the noble Lord, regulated that such a district should be especially excluded from the advantages of education. They then came to consider the plan proposed by the Government; but he must first allude to the gross misrepresentations which had gone abroad with respect to that plan. There had been the grossest misrepresentations adopted with respect to that plan—so gross and so false, that he could not believe that they were perfectly free from wilful deception. [*Cheers.*] He saw two hon. Members opposite who seemed to be exceedingly amused at this; to them it had certainly been of singular advantage, and it was in proportion to the amount of misrepresentation that had been employed that they received support. Discussion, however, had now taken place on the subject, and the longer it prevailed, and the more general it became, the better; so that at last this question, he believed, would be one which hon. Gentlemen opposite would not like to face in that House. In the borough which he had the honour to represent, several petitions had been got up against the plan, and sent to that House, and he would just give the House a specimen of the manner in which persons were induced to sign petitions against the plan. This was a handbill, most authentic and most official; for it was signed by the churchwardens, and it was put forth as authority and as information which were intended to be conveyed to the people, and to guide them. The bill was to this effect:—

> "We, the undersigned several churchwardens, take the liberty of directing the attention of the parishioners to a scheme which has for its ultimate object the introduction of mutilated bibles and Romish and Socinian catechisms into every national school in the kingdom."

Now, if it had been said that it was intended to turn the British and Foreign schools into Socinian and Romish schools, it would be something to be believed—but was it of the national schools that such a statement could be made? As to the British and Foreign School Society, he might say, that hon. Gentlemen opposite stigmatized the dissenting body with an indifference to religion; and he now asked, were they less careful in matters of faith, or less firm in their Protestantism than Members of the Established Church? He rather thought that, amongst Protestant Dissenters were to be found the true principles of religious liberty, and the readiness to vindicate the rights of Protestantism, when members of the Church of England slumbered at their post. The Government plan was marked with the genuine features of religious liberty, and embodied the just principle that the public money should be impartially applied for the benefit of all the Queen's subjects. He had never read with so much satisfaction any public document as that which was laid before them by the Secretary of the Home Department, and on the authority of which were conveyed to them the sentiments of her Majesty to the people:—

> "On this subject I need only say, that it is her Majesty's wish that the youth of this kingdom should be religiously brought up, and that the right of conscience should be respected."

Now, he asked hon. Gentlemen opposite, did the National Society schools respect the rights of conscience? Were not the conditions insisted upon, that the creed and catechism should be learned, and that there should be attendance at the Church? Fortunately, they had now come to a period when the Crown and the people were on the side of the just principle—the rights of conscience. But he did not fear the result, if they only gave time for further discussion. But he found that, upon all sides, education was regarded as a subject of the first importance. To him, then, it was rather melancholy to reflect, when he looked at the table of crime in this country, to find that education and instruction were as little forwarded as the diminution of crime was little remarkable. Much responsibility, then, was incurred by those who shut the door of the school-house against a large population, while they were quite ready to pass stringent laws to punish crimes, which, in a great degree, had their origin in ignorance. When he turned to the criminal returns made to the Home Office, he found, that in the degrees of instruction or ages of persons proceeded against last year, there was but little change, as compared with the preceding years. When they came to an analysis, he found that the number of convictions for crimes of those who were so imperfectly instructed that they might be fairly called ignorant —of those who were not able to write or read, formed the three-fourths of all the criminals—of those unable to read or write, or to do so imperfectly, were eighty-seven per cent. in the amount of criminals. The following were the

"CENTESIMAL PROPORTIONS OF PERSONS OF THE DIFFERENT DEGREES OF INSTRUCTION.

	1838.	1837.	1836.
Unable to read and write	34·40	35·85	33·52
Able to read and write imperfectly ..	53·41	52·08	52·33
Able to read and write well	9·77	9·46	10·56
Instruction superior to reading and writing well	0·34	0·43	0.91
Instruction could not be ascertained	2·08	2·18	2·68

"CENTESIMAL PROPORTION OF PERSONS OF THE DIFFERENT AGES.

	1838.	1837.	1836.
Aged 12 years and under	1·58	1·52	1·84
— 16 years and above 12	9·92	9·72	9·71
— 21 years „ 16	29·13	29·23	29·03
— 30 years „ 21	31·24	31·74	31·42
— 40 years „ 30	14·75	14·56	14·43
— 50 years „ 40	7·02	6·65	6·76
— 60 years „ 50	3·00	3.24	3·33
— above 60 years	1·58	1·55	1·40
— unknown	1·78	17.9	2.08

He must say, then, that it was a most melancholy thing, that they should be discussing about systems and plans, while crime continued so prevalent in the country. He hoped to have heard in the course of the evening, from Gentlemen opposite, the value of education apart from peculiar tenets. He had, however, heard nothing from the other side of the House but this cry, "Let us take care of the Establishment, and let crime continue just as it was." He said this distinctly. If Gentlemen opposite meant to shut the doors of their schools upon all who differed from them in religion, what a fearful increase would it not give rise to in the amount of crime, on the part of those excluded? The noble Lord who last spoke, took great pains to show, that this plan was unconstitutional.

Lord *Ashley* begged to be allowed to explain. He had drawn a distinction. He said, that it was hostile to the constitution, and not that it was unconstitutional.

Mr. *Hawes* would take the noble Lord's own words. The noble Lord then did say, that the present plan was hostile to the constitution. At all events let them understand this, that the placing of education under the control of the executive, for the equal and impartial diffusion of knowledge amongst the people, was by Gentlemen opposite considered hostile to the constitution. He admitted, that it was indeed hostile to the old Tory constitution. Aye, and he believed, that there was a feeling of hostility on the part of the people towards that old Tory constitution. When the people had a little more knowledge, knowledge of which the noble Lord and his Friends could not now deprive the people, they would very soon replace that old constitution by something much better and more substantial. The noble Lord (Ashley) also said, that rather than the State should not teach the truth, it should teach nothing at all. He should like to know by what high authority the noble Lord was to ascertain the truth. He should like to know how it became any member of a Protestant Church to say, "I alone am in possession of the truth." He could quite understand such language proceeding from the Pope. He could quite understand such language coming from the Vatican. He meant no offence—he should be ashamed, either in word or thought, to offend any human being; and although this sentiment might be met with a jeer and a laugh from Gentlemen opposite, he was not ashamed to avow it. He said, then, that he quite understood, that this sort of language might proceed from the Vatican; but how it could proceed from an English Protestant, whose faith was founded on the bible, and connected with the right of private judgment, he could not understand. How this language could be reconciled with the good old doctrine of Protestantism, as he had read it in the old divines of the English Church, he was utterly at a loss to conceive. He felt sure, that the noble Lord must have dipped into a system of theology which had been started of late, that partook more of Romish doctrines, than the Protestant faith of their forefathers. The noble Lord was understood to say, that the present plan worked well. He wanted to know the difference between the plan that was now acted upon, and that which was really before the House. The noble Lord who last addressed the House, and the noble Lord the Member for North Lancashire, in some of the more effective and biting portions of his speech, took especial care to confound both plans; and indeed he could not believe, that those noble Lords were anxious to draw a clear distinction between them. The noble Lord the Secretary for the Home Department had undoubtedly been driven from his first scheme. He was sorry for it. He regretted, that the present plan was not more acceptable, and still more divested of everything like a sectarian character, because under this plan a Jew must be refused education; and he knew no reason, under a national system of education, why they should exclude any one of her Majesty's subjects on grounds of faith. He should be glad to know from any one of the great advocates of national education upon what grounds and principles he would exclude a member of any Church. Great efforts had been made to show, that the system of education proposed was altogether divested of religious instruction; but how any person could candidly and fairly read the minutes of the Privy Council, and the papers that had been laid before the House, and come to the conclusion, that the Government plan was deficient in that respect, he could not imagine. No doubt it was a matter of extreme difficulty to take any line that should reconcile the great and contending opinions of religious parties. The effort, had, however, been made, and it had failed. It had failed, certainly, from the union of the high Church party and its new alloy, the Wesleyan Methodists; but it remained to be seen, when the question was more discussed and better understood, whether the great body of the Wesleyan Methodists would be disposed to be dragged at the wheels of the Church. What was the difference, then, between the present plan and that which had been acted upon? The present plan was nothing more than a continuance of the plan upon which the Government had acted for some time past. He spoke the sentiments of a very large body; he believed he spoke the sentiments of the great majority of those whom he represented, when he said, that he was thankful to the Government, and rejoiced to find, that upon the question of education they had come to an issue upon these grounds, and he believed, that by standing up manfully in support of a sound system of national education, the noble Lord below him (Lord J. Russell) would do more to attach the Liberal party to him, than any other measure that he could propose. If that noble Lord would but manfully adhere to that principle, he, as a very humble member of that body, would tell the noble Lord, that he need not fear the contest, whenever the contest came, because he would be supported by the opinions and the good sense of the country.

Lord *F. Egerton* said, that if, consistently with the due discussion of the important question and the usual practice of the House, they could have come to a division after the speeches of the noble Lord the Member for North Lancashire, and the noble Lord the Member for the West Riding of Yorkshire, he should have been quite content not to have attempted any interference in the debate, and he interfered now with great reluctance, because he felt that anything which he could say would only weaken the effect which he was sure his noble Friend's speech must have produced upon the House, and would produce, when it had gone forth, upon the public. He did not wonder that a certain degree of irritation had been displayed, both during and after the delivery of that speech, by the Gentlemen on the opposite side. He did not wonder that the noble Lord had been charged with having used harsh epithets, that his speech had been styled intensely uncharitable—intensely inconvenient he believed it would be to the Government which had proposed this measure, and intensely effective on the intelligence and religious feeling of the country. The hon. Gentleman who had just sat down had endeavoured to reply to it by a quotation from a former speech of his noble Friend. God knew, if his noble Friend's defence rested on him, he should feel perfectly inadequate to the task; but as he believed that by the forms of the House his noble Friend, on that night at least, would have no opportunity of replying, he would just state, although he had not been present at the discussion of which the speech in question formed part, and he spoke not from authority, that he considered the hon. Member for Lambeth to have misunderstood and misrepresented his noble Friend's observations. In those observations, as he had heard the hon. Member read them, he should have no difficulty in expressing his full acquiescence, however much he might differ from the hon. Member on the present question. He understood the observations to have been delivered during a discussion on the question whether Dissenters should be excluded from the universities by being required to subscribe the thirty-nine articles. The scope of his noble Friend's argument, couched as it was in eloquent, forcible, and just expressions, he apprehended to have been that the previous exclusion ought no longer to exist, and that Dissenters should be admitted, subject to the regulations that now exist, but he did not apprehend that his noble Friend intended to admit conflicting or imperfect versions of the scriptures. His noble Friend had been accused by the noble Lord the Member for the West Riding, of arguing that the Members of the Government, the depositaries of official power, should not be allowed to interfere with the support of education in this country. He understood his noble Friend to argue no such thing, but rather that it would be inexpedient to give by a vote of that House power to four members of the Privy Council to direct this great system free from all control on the part of the House, and to solve, without reference to the House, all those important and, as he believed the Government had found them, insoluble questions, attached to the subject of, as it was styled by the Government, national education. It had been said, that there was no difference between the system now proposed, and that which had been for some years acted upon by the Lords of the Treasury. He certainly perceived some difference between the plan contained in the vague minute which had been laid on the Table, and a power in the Treasury to supply a portion of the public funds to two societies, whose rules, principles, and modes of action were understood, and printed, and published to the country. He found no likeness in this to the power given by the minute to certain members of the Privy Council, who were irresponsible, and the method of those societies which were managed by persons who were responsible to the public. As he had said, he interfered in this discussion with reluctance, but he owned that he felt it necessary to occupy the House, if it were but a moment, from the circumstance of his having had upwards of fifty petitions against the scheme intrusted to him, the bulk of which were from Wesleyan Methodists, and which as he was unable himself to present them, had fallen, he was glad to say, into the more able hands of his noble Friend the Member for Dorsetshire. Now, with reference to this and other proofs of the unanimity of the great body of Wesleyan Methodists, he must say, that he was almost inclined to attribute more weight and authority on this question to the expression of opinion of that great body than even to that of the leaders of that establishment to which it was his happiness to belong. He thought the former expression of opinion would carry with it more weight and authority to the country, because he thought that it perhaps might be said, that the establishment was at present exhibiting some degree of hostility to the existing Government—of not unmerited hostility, owing to the degree of experience, which they had of the course of general policy which the Government pursued towards them. The hon. Member for Lambeth (Mr. Hawes) had intimated doubts of the permanence of this feeling among the Wesleyan Methodists; but for himself he saw no reason to doubt that it would be permanent, because it was based on a deeply-fixed religious principle. However, he was willing to believe—he might say he was certain—that whatever might be the real qualities of these propositions, they were dictated by a deep feeling of the general want of education throughout the country; and he was quite ready to admit that the intention of her Majesty's Government was to set on foot a better system of education; but in seeking to effect this they had risked greater interests even than those of education; they had incurred the danger of substituting poison for that meagre diet, if meagre it were, on which the people at present subsisted. For himself, however, he must say it surpassed his comprehension to find any material difference between the former and the subsequent plan of the Government. The noble Lord (Morpeth) apparently laboured to draw a strong distinction between them; but it seemed to him that in the second minute were substantially contained all the powers necessary for resuscitating, at the proper season, every thing in the first minute to which he and those who thought with him objected. He saw no reason why the committee of Privy Council, whenever it should please them to form for themselves the assumption that there existed in the country a greater concurrence of opinion in their views than was at present conceded to them, should not seize a fitting opportunity, such as that of a recess of Parliament, for the revival and re-construction of that edifice of education which was planned out in the first minute. The noble Lord opposite seemed to disclaim such intentions; all he (Lord F. Egerton) could say was, that with no more information than that on the table, he found it impossible to penetrate the designs of Government. Another objection which he felt to the scheme related to a part of the subject to which the noble Member for the West Riding of Yorkshire had referred in speaking, as he regretted to hear him do, of the impossibility of putting on this Board any of the leading members of the Established Church. He regretted this, because he thought it looked like an insult or slight put upon the Church, though he fully believed, that the Church would willingly overlook any slight which it might be thought proper to put upon her, if to do so, would at all serve the advancement of a sound and religious education of the humbler classes. But he objected, not so much that no leading member of the Church had been placed on the board, as that the scheme had been adopted without consulting with, or anticipating objections which might be expected to be urged by, the leading members of the Establishment. Several of the more eminent members of the hierarchy had loudly objected to the scheme; there were sitting among the most earnest opponents of it Bishops of Ministers' own creation. It was not opposed only by prelates created by former Governments, but by prelates who were created yesterday, as it were, and he thought, that the noble Lord had no grounds to hope for success to his scheme, opposed as it was by the most distinguished men in the Church, as well as by so great a mass of the Dissenters. He was afraid the noble Lord would look long for that general concurrence which the minute spoke of. He was afraid that was an event which would be postponed even beyond that happy period, the year 1842, which was to settle the difficulties of the Canadian question. It had seemed to give great offence to the noble Lord opposite, that his noble Friend near him had not chosen to dwell on the subject of the appointment of chaplain under the plan; but he would beg leave to suggest, that where prelates of their own creation were so much opposed to it that, if he might say so, it would be difficult to find a good education Bishop on the bench; they were most likely to find it impossible to get any one from the lower ranks of the Church to desert those ranks, and become chaplain on the terms laid down; and, therefore, he thought his noble Friend was not guilty of any great disrespect to the noble Lord in not referring to the subject. The question having undergone a degree of discussion which had very nearly exhausted the subject between the noble Lord opposite, and his noble Friend who followed, he should not trouble the House further than to say, that he felt that he should not do his duty to his constituents, nor to the large body of persons who had done him the honour to confide their petitions to him, if he did not express his determination to give the strongest support which he could to the motion of the noble Lord, the Member for North Lancashire.

Mr. *Slaney* said, that he felt very deeply the importance of this subject, and lamented to witness the tone of party spirit which the debate upon it had taken. He deeply regretted that this should be considered a question upon which the two great opponent parties in this House might try their strength, when by the exercise of a little spirit of moderation and conciliation, a good understanding might be effected upon many points on which he was certain a great majority of the House cordially concurred. He was convinced that there were a great number of Members on the opposite side of the House who, however they might disapprove of the Government plan, were as anxious as he was himself for the promotion of the blessings of education amongst the people. The hon. Member, amidst great confusion, then made reference to the report of the committee of which he was chairman, and in which the noble Lord, the Member for Liverpool, had moved a resolution which went far to neutralize the grounds of opposition which were now assumed to the proposition of her Majesty's Ministers. This resolution was to the effect, that the assistance at present afforded by the Treasury should be extended so as to meet the extraordinary difficulties and the varying demands of the case. Now, this, he thought, was in spirit tantamount to the resolution proposed by her Majesty's Government. He objected to the former plan proposed by Government, that before any assistance was given to any particular place a certain amount should be subscribed towards the required funds; as this would necessarily altogether exclude the poorest places from all assistance, which were the very places he was sure Gentlemen on both sides of the House would agree were those which most required and were best entitled to that assistance. He thought it wise, therefore, on the part of her Majesty's Government to have reviewed and modified this regulation so as to meet the circumstances in various cases of this kind. He should be glad also that the benefits of the grant should not be restricted to schools under the British and National Societies; for, to mention one instance, there was another society, the Infant School Society, whose labours, he was sure, would be acknowledged on all hands as being well entitled to support and assistance. He believed certainly that the great body of Protestant Dissenters would find their interests included under the schools of the British and Foreign Society, and that those of the Church of England would come under the National School Society; but he would say, that there was another large body of people, namely, the Roman Catholics, who were entitled to some consideration. In the town of Manchester there were no less than 30,000 Roman Catholics, and two or three times that number in London; and he would ask Irish Members opposite candidly to reflect, and consider whether they would refuse all the advantages of education to their poor fellow-countrymen whom the unfortunate position of their country had driven over in such numbers to our manufacturing towns, would entreat the attention of the House to a few facts, which would convince them of the crying necessity which existed for something being done for the improvement of the minds and morals of the people. The hon. Member then read an extract from the report of the Education Committee, which stated that in our manufacturing and seaport towns

> "The kind of education bestowed upon the working classes was as lamentably deficient in amount as it was bad in quality;"

And that

> "The subject was one which demanded some immediate efforts on the part of the Government to remedy it."

[Considerable interruption.]|

He would really appeal to hon. Gentlemen for their attention for a few minutes. He spoke on behalf of the heartfelt desires and interests of hundreds of thousands of his fellow countrymen, whose affection for their children was as great and as sincere as that of any Gentleman who heard him, for theirs, and who were compelled to witness them going on in a career of danger, leading to ruin, shame, and misery, for the want of the commonest means of education. The following facts were strictly proof of what he said. And again the hon. Member quoted the report—

> "In reading the proportion of persons who had received any kind of education was but one in seventeen, in the eastern parts of London, one in twenty-one in the south-west of London, one in twenty-seven in Manchester, one in thirty-five in Birmingham, one in thirty-eight, and in Leeds one in forty-one."

In short, two-thirds of the children of the humbler classes were entirely without education. The consequence of this neglect was, that the criminal calendar was yearly increasing, and it appeared that out of 22,000 committals in the present year 20,000 were of persons who were wholly destitute of education. Therefore, by allowing things to go on as they were at present, this House would not only be casting a great additional burden upon the public purse in the shape of prosecutions, but also acting most unjustly towards the unfortunate people who were amenable to the laws of the country. He had never said anything to excite discontent in the humbler classes of the people; his opinions were not those which would be called extreme, but he did say this, that if the Government of this country did not afford the great bulk of the people those means of education by which they might be taught how to live and how to die, discontent would arise in the popular mind, and mischievous persons would get up and ferment that discontent, declaring that that Government was unjust and tyrannical which proscribed those who did wrong, but neglected to afford the opportunity to its subjects of discovering and doing what was right. He would say this also, that if they did not give the humbler classes of society the means of obtaining a good practical education, in a short time it would be found that those people were not to be ruled by any Government which could be found either on this or the other side of the House.

Sir *W. James*, was very glad that the public attention had been called, in the way it had been, to this subject—because it would serve as a fresh stimulant to exertion on the part of the clergymen of that Established Church which they professed, and which the people of this country used to have pride in sustaining, and also on the part of the dissenting bodies of the country, which had been so highly spoken of by the noble Lord, the Member for North Lancashire. It was a strange and striking anomaly, that hon. Gentlemen opposite, the constant advocates of a voluntary system in religion, should, at the same time, advocate a compulsory national system of education. He wished to call the attention of the House to the position in which the clergy of the Established Church were placed by this question. After what had been stated by the noble Lord, it could scarcely be necessary to say, that when Lord Althorp, six years ago, announced that all public money to be applied by the State for the purposes of education, should be given to the British and Foreign School and the National School Societies, no objection was made by the Church to that proposition. On the contrary, the clergy of the Established Church had fully acquiesced in that proposal, and when it was wished afterwards to ascertain which stood highest in public opinion, in order to guide the Government in the distribution of the public money, it was found that 120,000*l.* was given to the National School Society, and only 80,000*l.* to the Foreign and British. Such was the ratio of public opinion. But no sooner was it known that such a strong predominance of public feeling and support had been afforded to the National School Society, and the principles of instruction inculcated by the Established Church and the Protestant religion, than the Government came forward with a newfangled scheme of education, and denounced the old plan, as objectionable and illiberal. They declared that the education of the people must be taken out of the hands of the clergy, and vested in a committee of the Privy Council, wholly consisting of official laymen, possessing neither the confidence of that House, nor of the people. All that the Church asked was, that there should be no favouritism; that no plan of education should be patronized which would interfere with the rights and privileges of the established clergy, as guardians of public instruction; and, in asking that much, the Church sought for nothing that was not reasonable, and most entirely just. He was the more urgent on Government to consider the objectionable and dangerous nature of their scheme, because he was convinced that no system of education could succeed in this country, which had not the support and approbation of the parochial clergy. Still he did not wish to push his objections to any extreme extent; and if he saw the parochial clergy endeavouring to monopolise the rights of other sects, in regard to the education of their children, he would be the first to oppose such tyranny. But, as regarded their opposition to this scheme of her Majesty's Government, the Church stood in a position from which her enemies would endeavour in vain to move her; it was founded upon a firm rock—the rock of truth and justice, and of public approbation and esteem. He must say, that the Church, in that respect, stood in proud and striking contrast to her Majesty's Government, whose measures he had always regarded with suspicion, and more particularly since the time when the President of the Council published his plan to the country, as described in the printed papers laid on the Table of that House. For himself, he had been brought up in that old-fashioned plan which taught him to think, that morals and religion were so intimately connected and blended together, that it was impossible to teach the one without inculcating the other. If he wished, in the present day, to teach morality, he did not know where he should go, except to the Church, for teachers. Her Majesty's Government had been compelled to abandon their secular system, because it had met with the strenuous opposition of all classes throughout the country. There were one or two questions, in respect to the late plan, which he wished much to put to her Majesty's Government. He wished, first of all, to know whether it was still intended to found any normal or model schools, and to give away any part of the public money to such purposes? He wished, also, to know if it was intended to bestow any part of the public money to the Roman Catholic sect? He wished to speak with all due respect of Roman Catholics, but he must say, that if the Government applied any portion of the funds of the State to such purposes, and on this plan, they would adopt a course most hostile and unjust to the rights and interests of the Established Church. He did not, however, look for an answer to these questions, because he had long ceased to expect any thing like straightforward conduct from her Majesty's Government; but, it certainly appeared to him, that it would be quite impracticable to carry on education in this country by public grants, unless they adhered to the line laid down by Lord Althorp, to which he had already alluded. That was the only course which could be attempted with just claims to success, with anything like due regard to the rights of the Established Church, and it was the only plan which could have a chance to allay and satisfy the well-grounded fears entertained by the Conservative party in the country.

Debate adjourned till the following Wednesday.

HOUSE OF COMMONS,

Saturday, June 15, 1839.

CASE OF PRIVILEGE—STOCKDALE *v.* HANSARD.] Viscount *Howick* appeared at the bar with a report from the committee appointed to consider the proceedings in the case of "Stockdale *v.* Hansard."

Report read as follows:—

"The Select Committee appointed to inquire into the proceedings in the action of Stockdale *v.* Hansard, and who were empowered to report their opinion thereupon from time to time to the House, have proceeded in the consideration of the matter to them referred, and have agreed to the following report:—

"Your committee have applied themselves with all the diligence in their power to the consideration of the important subject referred to them, but the difficulties which attended it, and the delay which necessarily occurred in their obtaining a correct account of the proceedings in the Court of Queen's Bench, have rendered it impossible for them to be as yet prepared to lay a full and complete report before the House. Such a report they trust that they may shortly be enabled to present; but in the mean time it is their duty to submit to the House a practical question, of which the decision cannot be postponed, while it will necessarily have a very material influence upon the future proceedings of the House in this matter.

"In their former report your committee have apprised the House that a writ of inquiry have been issued for the assessment of damages in the case of Stockdale *v.* Hansard: they have now to state that, under this writ, damages to the amount of 100*l.* have been awarded against Messrs. Hansard, and that in the ordinary course of law execution may be had, and these damages may be levied on Tuesday next.

"Referring to the resolutions of the House of May 30, 1837, your committee consider it an imperative duty to report this circumstance to the House, in order that the House may have the opportunity of determining what course it may be advisable to pursue with reference to the contemplated proceedings of the sheriff in execution of the judgment of the Court of Queen's Bench.

"Your committee will proceed to submit to the House the different courses which have occurred to them, as courses one or other of which it might be competent for the House to adopt, and will then state which of them has appeared to the majority of your committee least liable to objection.

"1. A writ of error might be sued out, and the decision of the Court of Queen's Bench might thus be brought under the review, in the first instance, of the Exchequer Chamber, and ultimately of the House of Lords.

"2. Mr. Stockdale might be suffered to receive the damages awarded, but a Bill might at the same time be brought in, for the purpose of declaring, for the future, the right of the House to publish its proceedings.

"3. Instead of attempting to pass a declaratory Act, a Bill might be brought in, enabling both Houses of Parliament to publish such papers as they might think necessary.

"4. The House may avail itself of the Constitutional powers it possesses to prevent the execution of the judgment obtained against Messrs. Hansard. If this course should be followed, the sheriff and his subordinate officers would be prohibited by the House from levying the damages which have been awarded, and any failure on their part to yield obedience to this prohibition would be treated as a contempt, and dealt with as such in the ordinary manner.

"5. The House might allow the damages awarded in this case to be paid, but might at the same time declare that it would permit no further actions of the same kind to be brought, and that it would immediately commit for contempt any parties by whom such actions should be commenced or promoted.

"These are the only modes of proceeding which have been suggested to your committee, and which appear to them to be brought under the consideration of the House; and they will now endeavour to state shortly the opinion which they had formed on these different courses.

"1. With respect to the first, the proceeding by writ of error, your committee cannot but apprehend that its adoption might be construed to involve a new and exceedingly dangerous recognition of the principle that the privileges of the House of Commons are subject to the determination of the Courts of Law, and ultimately of the House of Lords. They also conceive that as the result of an appeal must be doubtful, while its failure might greatly increase the difficulty of a subsequent assertion by the House of its right of publishing its proceedings, they would not be justified in recommending to the House to take a step which would expose to such serious hazard its future possession of a power which they believe to be absolutely indispensable for the due discharge of its duties.

"2. The second course which has been suggested is open to the same objections, with this addition, that the House of Lords might object to pass a declaratory act, for the purpose of overruling a unanimous decision of the Court of Queen's Bench, which had not been appealed from in the ordinary manner, and which had been allowed to be carried into effect

"3. The passing of an Act to enable the House for the future to publish its proceedings without having them questioned in a court of law would, in the opinion of your committee, be a virtual abandonment of the right which they have no doubt now belongs to this in common with the other House of Parliament, and which ought not, as they conceive, to be surrendered.

"4. Should these objections to the modes of proceeding above described appear to be well founded, the next course to be considered is that of resisting the execution of the judgment obtained against Messrs. Hansard, by committing (if necessary) for contempt the ministerial officers of the court by which this judgment has been pronounced. Your committee are not insensible to the many difficulties which might probably arise in thus adopting measures of an extreme kind, to which for many years the House has not been compelled to resort: but at the same time they have to remark, that it is chiefly by using this power of commitment for contempt against the magisterial officers by whose agency other authorities of the State have invaded the rights claimed by this House, that some of those which are now its most undoubted privileges have in former days been asserted with success; and they are, upon the whole, of opinion, that this would be the course most consistent with ancient parliamentary usage, and with the dignity of the House.

"It is, however, the duty of your committee to state, that although a majority of their number have concurred in this opinion, they are well aware that the course recommended is one not likely to be successful, unless it should meet with very general concurrence and support, and they must not, therefore, conceal the fact that some even of those members of the committee who are most deeply persuaded of the necessity of maintaining the valuable privilege of the House which has been disputed, are yet of opinion that in the present instance it is too late to do so in the manner which has just been recommended. These members of your committee conceive that the House, by directing the Attorney-General to appear in the action and to defend Messrs. Hansard, has placed itself, so far as regards this particular case, in a situation in which it will be better to abide by the result of the trial which has been permitted to take place, and to allow the damages to be paid, determining at the same time, that any future proceedings of the same nature should be arrested in their earliest stage, by committing for a contempt of the House not only the parties by whom similar actions may be brought, but the agents and counsel they may employ.

"Having anxiously considered this important matter, your committee have come to the conclusion, that if the House should be resolved to trust ultimately to the exercise of its own powers for the assertion of the privilege it claims, the objections urged to resisting the execution of the judgment of the court in the present action are not of such force that they ought to prevail against those which in that case exist to any further concession; and they are of opinion, that upon a comparison of the difficulties by which either line of conduct must be attended, the advantage will be found to be on the side of deferring to a later period the stand which must at last be made, unless the right of the House is to be surrendered. In giving this as the opinion of the majority of their number, your committee must at the same time state, that they feel it to be a very nice and difficult question which line of conduct should under all the circumstances of the case, be preferred; and they, therefore, submit it with all deference to the determination of the House.

"In conclusion, your committee beg leave to express their regret, that the haste with which this report has been unavoidably prepared, has compelled them to present to the House what they are sensible is a very imperfect view of the important subject of their inquiry; but they trust that the necessity under which they were placed of bringing the course now to be pursued under the immediate consideration of the House, will be deemed a sufficient apology for their not having been as yet enabled to enter upon a fuller and more comprehensive examination of the whole matter referred to them.

"June 15, 1839."

Viscount *Howick* moved, that the report be printed and taken into consideration on Monday next.

Lord *Mahon* trusted the report would be printed and circulated without delay. It was important that Members should be furnished with the report at the earliest possible moment, in order to afford time for consideration before the discussion on Monday. There was, however, another document relative to the proceedings of the committee, which he hoped would also be printed and circulated with the report —he alluded to the minutes of the sitting of yesterday. The committee had yesterday discussed the main question, and taken a division upon it, and he should now move that the minutes of the sitting of yesterday be read by the clerk at the table.

Viscount *Howick* said, the minutes were not in such a state of preparation as to allow them to be read by the clerk. They would, however, be in the hands of Members on Monday morning.

Lord *Mahon* hoped he would be in order in stating a fact, which he thought it was of the utmost importance that Members should be acquainted with before entering on the consideration of the report. The principle upon which the report was founded had yesterday been discussed by the committee, and the main question put to the vote, and he was sure the House would agree with him in opinion that before adopting that report it ought to receive the most mature consideration, when in the minority against it would be found the names of the Solicitor-General, Lord J. Russell, and Sir R. Peel. These gentlemen had voted against the report of the majority which had now been presented.

Mr. Alderman *Copeland* said, it might look like presumption on the part of so humble an individual as himself to offer any observations upon this important question; but as in the discussion on Monday he might be prevented from stating his opinions, he could not allow that opportunity to pass without protesting in the most decided terms against one portion of the report. He must strongly protest against that part of the report which suggested, that in the event of the sheriff entering up the judgment—that was, in executing the writ of the Court—he should be committed for contempt. What had the sheriff to do but to obey the orders of the Court and to enforce the law, and in executing the writ he did nothing more than obey the law and perform a duty which he was bound to perform. Let hon. Members ask themselves, what the sheriff had to do with the privileges of the House. The judges of the Court of Queen's Bench had laid down the law, and it was the duty of the sheriff to execute it, by carrying into effect the judgment of the Court. These were his sentiments, and he must protest, therefore, against a suggestion which, if carried into effect, could only be considered as an act of tyranny.

Viscount *Howick* anxiously deprecated any further discussion at the present moment. He could not but regret the course which had been adopted by the noble Lord opposite, in giving the names of the minority, and not stating at the same time the names of the majority.

Mr. *Freshfield* said, that they were to see the minutes for the first time on Monday morning, and on Monday afternoon they were to discuss this important subject; and yet but for the information which had been elicited by the noble Lord near him (Lord Mahon) they should have had nothing beyond the papers which had been submitted to guide their deliberations. In his opinion they ought to have all the information before them which could possibly be given at the earliest possible period, and surely when the report had been received as a sealed packet, it was no more than reasonable to expect a statement of the whole facts, in order that Members might come prepared for the discussion on Monday.

Mr. *Warburton* entirely concurred with the noble Lord, the Secretary at War, that it would be extremely inconvenient to discuss so important a question at that time. The hon. Member who had just sat down had complained of the inconvenience of entering on the discussion of this subject on Monday, on account of the shortness of the time which Members would have for the consideration of the report; but if there was any inconvenience in discussing the subject on Monday, how much greater must be the inconvenience if, without having the information before them which the report conveyed, they should at once proceed to debate the recommendations of the committee. He fully acquiesced in the view taken by the noble Lord, the Secretary at War, relative to the minutes of the proceedings of the committee yesterday; and although the noble Lord opposite had thought proper to state three names of the minority, he should not be tempted to follow his example, and to state the names of the majority.

Report to be printed and adjourned.

HOUSE OF LORDS,

Monday June 17, 1839.

MINUTES.] Bills. Read a first time:—High Sheriff's Expenses.—Read a second time:—Borough Courts.

Petitions presented. By the Earl of Rosebery, from Edinburgh, against further Endowing of the Scotch Church.—By the Earl of Durham, from several Dissenting Bodies in and near London, for the Abolition of Church Rates; and of Ecclesiastical Courts.—By the Bishop of Exeter, from four Dioceses, against the Church Discipline Bill.—By Viscount Melbourne, from Sunderland, against the New Beer Bill.

LAY PATRONAGE.] The Marquess of *Westmeath* said, he wished to call the attention of the noble Viscount opposite to the present state of Lay Patronage, with reference to certain Church livings in Ireland. Under the 6th of Anne, those Church livings, in consequence of the non-conformity of Roman Catholics, to whom the patronage originally belonged, were supposed to be preserved and protected for the Crown. Now, within a few days, a curious case had occurred, which induced him to call the attention of the noble Viscount to the subject. A noble Friend of his, a Member of that House, was placed in this situation:—his father had been a Roman Catholic, but had conformed to the Established religion. Having done so, he asserted his claim to the patronage of certain livings in the diocese of Westmeath, and he convinced the Government that his claim was a good and valid one. A few days since one of those livings became vacant, and the Lord-lieutenant, on the part of the Crown, presented to it. He thought, that a just and equitable arrangement ought to be made, and that the subject should be properly inquired into. He was perfectly certain, that it was only necessary to mention the matter to the noble Viscount to have it fully investigated; for the trust thus vested in the Crown must be considered as a very tender matter—as a matter of honour indeed. In his opinion, the son, in this case, ought to inherit the right which his father had claimed. His object was to request the noble Viscount to ascertain the facts of the case. The Crown was bound by the Act of Parliament to which he had referred to protect the rights of individuals, and not to usurp them. He conceived, that some inquiry should be instituted, and if his noble Friend were entitled to these livings, the united livings of Dunsany and Killeen, that his claim should be at once acknowledged.

Viscount *Melbourne* said, that the subject should be inquired into.

Subject dropped.

Abduction of a Voter.] The Earl of *Haddington* said, he wished to put a question to the noble and learned Lord on the woolsack. It would be in the recollection of the House, that in the last Session he brought under the consideration of their Lordships the extraordinary fact, that certain individuals had been appointed justices of the peace in Cromarty who were guilty of an act which, in his opinion, disqualified them from sitting on the bench. One of them was an ironmonger, and the other a country practitioner in surgery. These persons were, it seemed, guilty of abducting a voter during the election, and thus preventing him from giving his vote. Certainly it was very unusual and very extraordinary to make justices of the peace of persons who had thus conducted themselves. When he before mentioned the subject, the noble and learned Lord said, that he would inquire into it. What he now begged leave to ask was, whether the noble and learned Lord made that inquiry, and if so, what was the result of that inquiry?

The *Lord Chancellor* said, that in consequence of the question of the noble Earl, he had made inquiries on the subject. He had found considerable difficulty in ascertaining the facts, but he believed, that he had at last ascertained them. The result did not correspond exactly with the impression which seemed to have been on the noble Earl's mind. The fact was, that these three persons met together, and they got drunk together. By degrees, however, they got sober. When the person who was a voter became sober, finding himself in a place where he did not wish to be, he, as might be expected, informed his companions that he was anxious to go back. To this they consented, and all three resolved to return. They, however, went a little out of their way, wishing to see Cawdor Castle. They then met some other friend or friends, and having got a little social again, before they could return they were too late for the election. It was, on inquiry, found, that the two parties could not be subjected to any criminal proceeding; that was the opinion of the officers of the Crown, and of the legal adviser of the voter. An action was, however, brought against the parties, and a verdict with 25*l.* damages was returned. It appeared, that both parties at the election acted with great violence; and he could not look to the conduct pursued on one side, without taking into account also that which was adopted on the other. The result of his inquiry was, that the intention to remove the voter did not seem to have been at all pre-concerted. The resolution was formed while they were all three drinking, and was abandoned immediately after they got sober.

The Earl of *Haddington* said, he did not wish to press the noble and learned Lord into a long discussion. After what had fallen from the noble and learned Lord, their Lordships would be enabled to decide whether it were fit and proper, that persons who had been guilty of such conduct should be placed in the commission of the peace; whether it were right, that these persons, who had made this man drunk for the purpose of preventing him from voting, should be raised to the situation of justices of the peace. The information which he had received on the subject led him to believe, that he was perfectly justified in saying, that it was an unfortunate and unfit thing to make such an appointment. If the Lord-lieutenant of the county was aware of the circumstances, he ought not to have recommended these persons.

The *Lord Chancellor* said, he had never till now heard any objection to those persons; and really, the many and onerous duties of his office precluded him from looking into the particular details of such cases.

Subject dropped.

Sale of Beer.] Lord *Brougham* moved that the Sale of Beer Act part Repeal Bill be read a third time. He admitted that the opposition to the measure was conducted in a spirit of great fairness, and he thought it would save their Lordships' time to take the discussion on the amendments which the noble Marquess (Salisbury) intended to move, rather than on the question of the third reading.

The Marquess of *Westminster* would object at once to the third reading.

Lord *Brougham* said, that unless their Lordships were prepared to say, that the present Beer Bill was absolute perfection, as had once been said of our constitution, he hoped they would hear the proposed amendments. He would therefore now move the third reading, and would reserve any remarks he had to make until he heard the objections against the measure.

Lord *Wrottesley* had wished to have made a few observations on the second reading of the bill, but was prevented by its being sent to a Select Committee. That was a bill of very great importance, it being neither more nor less than whether beer may be sold on the premises in any but licensed houses. The licensed victuallers viewed such a power with considerable jealousy, and laid many informations against the beer houses, but that power was granted after a long and patient inquiry, before a Committee of the House of Commons, who recommended it by a considerable majority. The noble and learned Lord charged much of the crime of the country upon the beer-houses, but so far as his experience went, and he spoke of his own neighbourhood, the keepers of beer-shops were more respectable than the licensed victuallers. If their Lordships agreed to that Bill, they would create a great increase in the pernicious custom of gin-drinking. If their Lordships really meant to prevent abuses, they ought to take the means of appointing a proper police force. It would be far better that they should encrease the metropolitan police force, than appoint a rural police. Detachments of the metropolitan police might be sent by railroads, within a very short time, to the disturbed districts, and then brought back to town again, when their absence was no longer called for. The staff of the militia was also at this moment absolutely useless. It was merely a burthen on the country. It might be made very efficient, and by dividing it into battalions, it might be of great use to the police. But while the country was left in the state in which it was, and especially the metropolis—very little improved, indeed, he believed, since the days of Alfred, when any old man might be a constable, and he believed that a woman had been one—what could they expect but abuses? It was admitted, that under this bill there were 45,000 beershops in the country, and it was not the fact, that many of them had only a chair and a table in their houses. A great many of the persons occupying them, had built the houses in which they sold beer; many of them had leases of the premises, and most of them had embarked a great deal of money in their concerns. Most of them had been faithful servants, who had saved a little money, and this was the only way they had of employing their little capital, with a prospect of being able to support themselves and their families. When they embarked their property in their concerns, they had a right to expect that the Legislature would protect them in what they had invested. It was to be remembered, also, that the time and labour of those persons constituted their property; and, upon the whole, he hoped their Lordships would pause before they adopted this bill, the adoption of which would be an act of the grossest injustice.

The Marquess of *Salisbury* would not follow the noble Lord in his observations about a rural police, or the militia staff. In saying that that staff was not effective, the noble Lord had forgotten to say how it had become so. The noble Lord, now at the head of the Government, had, six or seven years ago, when Secretary for the Home Department, promised to introduce some measure for the purpose of making that staff a police force, but had not followed up that promise by any act on the subject. He did not regret it, for as an old colonel of militia, he should not like to be at the beck of the Home Secretary, as an inspector of police. With respect to the bill before the House, he had stated his opinion on the introduction of the former Beer Bill, that it would be difficult to prevent its abuse in distant parishes, and though he did not object to an amendment of the present law in several respects, he should object to any measure which would have the effect of depriving the poor man of a wholesome beverage, instead of that pernicious liquor which was almost forced down his throat in many of the licensed houses. He would not put down the present houses, but his amendments would go thus far:—First, he would move a clause to the effect, that no new licence for the sale of beer should henceforward be granted, except by the magistrates. Next, that certificates should be granted to parties paying a rental of 10*l.* instead of 6*l.*, as heretofore. The third amendment would be, that the sureties required by the Acts 11th George 4th., and the 1st William 4th., should be resident in the same parish with the party for whom they became sureties. By this plan, the occupiers of houses of bad character would be unable to obtain any sureties whatever, while respectable houses would still get them. He should be sorry to see the law brought back to what it was before the Beer Bill was established, when the sale of beer was entirely confined to the licensed victuallers. He wished to enable the poor man to obtain his beer, and discourage the drinking of spirits. His fourth amendment was, that "from and after this time, justices should be empowered to grant licences for the sale of beer and cider only." Under the existing act, the moment a magistrate's licence was granted the party was entitled to a spirit licence from the excise. There was also another amendment which he should be very happy to move, "that the price of the licence should be raised," which would put an end to all those beer-shops, the occupiers of which had no capital whatever. A man who had to pay for an 8*l.* or 10*l.* licence must expect to sell a considerable quantity of beer to meet that expense. He submitted these amendments to their Lordships, and should be very happy indeed if their Lordships would adopt them; they should then succeed in getting some measure; on the contrary, if they passed or rejected this bill, he was confident the present law would continue to another Session.

Lord *Brougham* had wished that his noble Friend (the Marquess of Salisbury) should propose his alterations on the third reading; and, if those alterations were adopted, then reject the bill on the motion "that this bill do pass." His plan was to persevere in hearing everything that was said on the subject, and if he were convinced that the bill ought to be rejected, he should vote against it; but if he were convinced that the bill ought to pass, he should vote for it.

The Marquess of *Westminster* said, his noble and learned Friend certainly did not agree to the amendments of the noble Marquess. The noble and learned Lord must be aware that it was impossible the amendments could be brought under discussion now, and it was impossible to postpone this question for ten days or a fortnight. It was evident the noble and learned Lord was determined to persevere in his bill. He (the Marquess of Westminster) was thoroughly convinced that this measure would be a most pernicious, harsh, cruel, and unjust one, to a class of people most deserving. He should, therefore, propose to their Lordships not to pass it. He thought it far better that a question of this sort should be left to the House of Commons. By the mistake of having introduced certain financial clauses into the bill in that House, it was impossible that it should pass as it was. He thought the beer-houses were the last class of houses of the sort that ought to have been meddled with. The houses that did the most mischief were those who kept what were termed "gin palaces." The next class of houses in producing mischief was the public-houses; and the least mischievous class of these houses was the beer-houses. It had been stated, that the beer-houses did more mischief in the country than in towns. He had a good many of these sort of houses about him in the country, but he never heard of any mischief arising from them. It had been stated that the brewers were hostile to the Beer Act; that they had suffered by it. He was sorry that the brewers were hostile to this measure, because he did not think it did them great credit. Since the Beer Bill had passed into a law, the consumption of malt had been considerably increased, and he was of opinion that the brewers had not been injured by the bill. The quantity of malt consumed had been increased in England one-third, in Scotland one-fourth, and in Ireland one-half more than before the bill. With regard to the number of presentments of grand juries which had been made throughout the country against this bill, of which much had been said, what would their Lordships suppose their number to be?—100?—50? What would their Lordships imagine were the returns for three years throughout the whole country? It did so happen, that these returns showed that the presentments throughout all England for three years amounted only to twelve. Another return of the cases which had been decided in petty sessions, in a population of 14,000 people, showed an average of four and one-third cases in a year, and the last three years the number had been decreasing. The beer-sellers were anxious to disprove the assertions of his noble and learned Friend, and to prove the truth of what he stated. He knew that there was great reluctance to hear evidence on such a subject; that their Lordships would not be much disposed to hear such evidence at the Bar, but it was the best and most just plan. He had had letters from all parts of the kingdom, complaining extremely of the way in which the question had been treated by his noble and learned Friend. The noble and learned Lord's comments had certainly been very strong; but the persons who had written were, generally speaking, more offended at him for undervaluing their property, than for the very severe comments he had made on their morality. He had certainly, on a former evening, given his opinion in favour of some further restrictions being added to the Beer Bill; but he had since altered his opinion. He was perfectly satisfied, that the law, as it stood, laid sufficient restrictions on the beer-sellers. He thought it would be a very hard thing if the bill should pass into a law, and he should take every opportunity of giving it his opposition.

Lord *Dacre* thought it was of great importance, in as far as the House was bound by their former legislation to consider the various interests which were involved in this measure. He would state to the House why he differed from the whole of the bills which had been brought forward. The noble Marquess said, that the present Beer Act was a perfect measure. On that point, he could not agree with the noble Marquess, because it had been his misfortune to see a boundless increase of drunkenness, debauchery, and immorality of every description springing from beer-houses. But though he differed from the noble Marquess in thinking the Act not perfect, yet he scarcely differed less widely from those who advocated the total and absolute repeal of that enactment, and he differed from them upon considering the vast amount of capital which was engaged not only in the retail beer trade, but also in the manufacture of beer. One of the great objects anticipated from the operation of the present law was to raise a competition in the manufacture. The system which that measure was introduced to correct, placed both sellers and buyers too much under the brewers. It was found that the adulteration began with the victuallers, and thus the consumer was obliged to take an inferior, and often pernicious, article, for the same price that he ought to have paid for the genuine one. The remedy for this was the existing beer law. The source of many of its evils arose from the facility with which persons could obtain licences. Now, if the number of beer-houses were proportioned and limited to the demand, the evils hence arising would be corrected, and he thought that some measure should be adopted for ascertaining the demand, and apportioning the number of beer-houses throughout the country accordingly. It struck him, that the magistrates were not the proper persons to make this estimate of what number of these houses would be sufficient for any given district. It ought to be done by the consumers themselves. He should, therefore, be inclined to propose, that no more than a certain number of beer-houses should be established among a certain amount of population; for instance, one beer-house to every 500 persons, or, what was the same thing, for every hundred heads of families. Certificates might be called for from the rate-payers for the purpose of insuring the character and good conduct of the keepers of the houses. In that case, they would have no instances of persons going to keep beer-houses at the remote corners of lonely heaths, when they must look for their livelihood to the custom of considerable numbers of persons. He thought the amendments of the noble Marquess objectionable, inasmuch as they did not meet the evil. The alteration of system which he had indicated would, on the contrary, meet the evil, at the same time that it would not interfere with the due supply of the wants of the poor, for wants he maintained they were, and they ought to be considered and provided for. But, said some persons, let the beer-houses be governed by the same regulations as those of the licensed victuallers: this, however, would be most unjust: for the objects of the victualling-house and the beer-house were totally different; the one was intended for the accommodation of travellers, and therefore must be kept open to a late hour; the other was for the reception of the labouring classes—tippling-houses they would have been called in old English; and though there was no need for keeping them open to such late hours, yet he would say, that the poor ought to have a place where they might get a wholesome beverage and enjoy the warmth of a good fire after a cold day's work in winter. For these reasons, he felt inclined to vote against all the amendments.

Lord *Ellenborough* said, that it was his impression, that the House of Commons for some time past, and certainly not less so since the Reform Act, had shown a disinclination to receive very favourably bills which were sent down to them from their Lordships' House. The House of Commons appeared not to like their Lordships to take the initiative in any measure. Hence he thought it was not improbable that this bill might be rejected there. Whether or not the bill were an interference with the privileges of the Commons he would not take upon him to say; he was told that, strictly speaking, it was not, but it might, and very likely would, be so represented to the House of Commons, and therefore the bill might be at once rejected. Any amendments and improvements which any of their Lordships might feel inclined to make, ought to be made as speedily as was convenient as their Lordships might not have another opportunity. With regard to the measure itself, he confessed he thought, that his noble and learned Friend opposite (Lord Brougham) was somewhat too hasty, he was going too rapidly to work in putting an end at once to the present Beer Act. But then on the other hand he could not agree with all the amendments which had been suggested. It would be better it was said, to have a more efficient system of police. He did not think, that any such measure could be efficient. There might be riotous conduct exhibited in some of these houses occasionally, but to this he did not feel disposed to attach a very great degree of importance. It was not the riots in beer-houses, but the resort thither, that was ruinous to the morals of the peasantry. Every comfort which attended them there was bought at the expense of the comforts of their wives and families. If the labourer went to the beer-shop daily he must spend there more than the price of his firing, and more than half the amount of his rent. It was the resort, therefore, that was ruinous. No police measure would prevent it. But he begged to submit to their Lordships whether they would read this bill a third time and pass it together with the amendments of the noble Marquess (Salisbury), for those amendments in fact were an entirely new bill. The noble Marquess's bill was a bill of regulation; his noble and learned Friend's bill was a bill of enactment. Under these circumstances, if their Lordships were not disposed to adopt the bill and the amendments at once, he believed, the proper course would be to recommit the bill, which would give time and opportunity for consideration. Before he concluded, he must beg to observe that he thought it remarkable that the noble Viscount opposite had not stated what were the intentions of Government on this subject. The noble Viscount had indeed said, that he could hardly believe his noble and learned Friend was serious in bringing in a measure for the alteration of the beer law, but that was said of the former measure, not of this. He would say, that this question was one of immense importance to the morals and happiness of the people; and the Government were bound to form an opinion upon it, and to express that opinion when called upon.

Viscount *Melbourne* agreed with almost every word of what had fallen from the noble Baron on this occasion. He felt very much the great, the paramount importance of this question; he felt that he could not look to the great body of evidence which had been drawn together in relation to it—he could not consider the generally expressed opinion of the people, represented, as it was, by the voice of such respectable bodies, who had had the best means of obtaining information, and who possessed abundant experience on the subject, without his being compelled to admit the evils of the present measure—to admit, indeed, the failure of the present measure. He was compelled to admit, that there were great evils attaching to the present law; but he could not believe that its enactment and operation had changed the whole morals of the country—made a quite different scene of the whole land, and altered, as it were, the whole nature of man. As to those who used such language, enthusiasm carried them away. At any rate, it was impossible for him to think that so great a difference existed between the operation of the small victualing houses upon the morals of the people, and that of the beer-houses; he could not think that the step between being licensed by the Excise, and being licensed by the magistrates, could be so different. Licensing houses for the sale of spirits was, he believed, a matter of antient regulation, but their Lordships ought to remember, that after all they could do, after a long experience of the working of the system, there were still evils arising out of it. After all they could do, there ever would be scenes of disorder in such places. This arose from the nature of the case. Crimes ever would be planned and brought to maturity in those places; but this was, because they were places of meeting, not because liquor was sold there. Where were thieves to meet? They must meet somewhere to concert their plans; and the most convenient places were houses of this description; there they went, ostensibly for other purposes, where their real intentions could not be questioned. Do what their Lordships would, legislate as they would, these things in these places would always subsist; no changes which might be made could alter the nature of the thing; but, in his opinion, it would be a nugatory act on their Lordships' part, if they passed the bill of his noble and learned Friend. Indeed, his noble and learned Friend had proposed it, apparently, without much confidence in its success, and in a faltering manner. [Lord *Brougham*—" No, no!] Yes; his noble and learned Friend certainly spoke without confidence of the ultimate success of the bill; his noble and learned Friend said, " We will send this bill down to the other House; but if they find anything to add which will make it more effectual, we will be very glad to receive it at their hands, but as it is, I don't place much reliance upon the measure." This bill, he was disposed to think, dealt in too rough and hasty a manner with property. Their Lordships might remember, that they had dealt very roughly with property, when they passed the original Beer Bill; because, by adopting the system of beer-houses, they had greatly deteriorated the value of the public-houses of the licensed victuallers, on which great sums had been laid out; they had deteriorated property of this kind to a very considerable extent. Noble Lords who were conversant with the country knew this well. They had lately conferred a great boon on the trade, by taking off the beer duty, and now they were asked to interfere with the property which had been invested under the arrangements then made, without giving any equivalent advantage to the trade. The number of the beer-sellers was about 45,000, that of the licensed victuallers, 55,000; the amount of revenue received for the licences of the beer-sellers was 133,000*l.* in 1837; the amount arising from those of the licensed victuallers for the same year was 91,000*l.* The quantity of malt for which duty was paid, had incredibly increased under the present system; but that result, he admitted, was chiefly to be ascribed to the reduction of the duty, and the growth of the population and consumption of the country. The number of vituallers occupying houses rated under 12*l.* appeared by the return to be 18,378, that of beer-sellers was 15,515, which, he apprehended, considering the relative numbers of the different classes, placed them much upon a par. The number of beer-sellers, brewing their own beer in 1837 was 16,800. As to the penalties for the adulteration of beer, there had been fewer convictions among the beer-sellers, he understood, than the licensed victuallers. On the whole, it appeared to him that it would be very unwise and imprudent to pass this bill, which he thought a rash and hasty measure. There was a great deal also in what had been said by the noble Lord opposite, with respect to the impolicy of originating this bill in their Lordships' House. He did not wish to say much on this subject, but he apprehended there could be no possible doubt that this was a bill which, if sent down to the House of Commons, that House would not pass, and he appealed to their Lordships to pronounce whether, under these circumstances, it would be wise and prudent to send it there. There was another reason why he thought they should not send it to the other House. From all that he could learn, and he had spoken with persons who had made careful enquiry, there was not one man in the House of Commons in favour of it. From all he could understand, there was no beer-reformer in that House, who was for going all the lengths of this bill, and therefore no very sanguine hopes of its success there could be entertained. This was altogether a subject of the greatest importance, which well deserved the care and attention of Parliament, upon which they should well consider what steps should be taken, and whether they ought not to establish one uniform system of legislation. The real point of the question, which had been touched upon by several noble Lords, was this—whatever rules you establish, unless there be the means of enforcing them, they will, to a certainty, be totally useless. The noble and learned Lord had well shown, in his speech on the second reading of the bill, that it was vain to complain of laws or magistrates, if there did not exist sufficient means to put the laws into execution. Their Lordships might depend on it, that the real cure for the evils of disorder and irregularity in the administration of such laws as the beer law was, to arm the magistracy with greater power for enforcing the due observance of those laws. They might depend upon it, that until this was done, not all the laws they could pass in that House would be of any service. It was not necessary to have so large a machinery for that purpose as was generally thought to be required; the measure would not involve such great expense. It had been well observed, that very little alteration had taken place in the constabulary since the time of Alfred. It was true, that that force had become inadequate to the necessities of the present times. A very few men in the country, who were really to be relied on—firm, and resolved to do their duty—could do a great deal in carrying the law into effect. It did not require so great an expense, or so large an establishment, as was supposed necessary to put the constabulary force upon an efficient footing. Very strange prejudices were afloat upon this subject; it was supposed to be connected with the liberty and constitution of the country. He never could understand what connexion there could be between liberty and licentiousness, between liberty and impunity for crime. He had always understood, that liberty was best secured by a regular and firm administration of the law, and in his conscience, he thought that was one of the great objects to which the attention of Parliament, and the country, should be directed. But it did not appear to him that it would be wise, or prudent even for the objects their Lordships had in view, to pass this bill.

Lord *Brougham* said, he had never heard a speech from any person that betokened so entire and dark an ignorance of every part of the subject to which it related, as that which had just been delivered by his noble Friend near him. His noble Friend had told their Lordships, that there could be no possible difference between the behaviour of a man licensed by the magistrates, and that of a man licensed by the Excise. Why, there must be all the difference in the world. A mere name seemed to have the power of taking in his learned Friend—he begged pardon, his noble Friend—God knew he could not call him learned, at least on this subject. Well, then, his noble and ignorant Friend. The magistrate gave the licence during good behaviour, and if the good behaviour, ceased, the licence ceased also. The only condition of retaining the Excise licence, on the contrary, was the payment of 3*l.* This had the effect of making the public-houses well-conducted, and the beer-houses ill-conducted. He was sorry to see from the aspect of the House, that the present critical hour had had the effect of sadly thinning their Lordships' numbers. Their Lordships liked the Beer Bill little, but they liked remaining in the House after half-past seven o'clock less. Their Lordships liked to see a good state of morality in the country — the tranquil order of society they dearly loved—it was the very apple of their eye; but there was another affection operating upon certain delicate organs in the constitution of noble Lords, still more intimately than those connected with the peace, order, and purity of society, and reminding them of what had been called the most important event of existence—that of dinner. "I am glad to find," said the noble and learned Lord, turning to the episcopal bench, "that my observation is not confined to the lay Lords, it extends equally to those who are the appointed guardians of public morals and virtue. How often have I heard the beer-houses denounced by the right rev. occupants of that bench. There is hardly a bishop whom I have not heard imploring your Lordships from this very place—for God's sake to apply a remedy to that which makes all our preaching and teaching vain, to reform those nests of drunkenness, to remove these moral plagues. And now that I come forward at their instigation, that I lend myself as their coadjutor, that I put myself as an humble instrument in the hands of the guardians of morality and religion, but two out of six-and-twenty right rev. Prelates will sacrifice their dinner, their regard to their belly, which is their God—"

The Marquess of *Salisbury*. I rise to order. I move that the noble and learned Lord's words be taken down.

Lord *Brougham*. That they may be taken down correctly, I think I had better repeat them. I was saying that the bench of bishops—

Lord *Kenyon*. I rise to order. The moment the words are objected to, no time should be lost in taking them down.

Lord *Brougham*. I am just repeating them—that the clerk may be at no loss—The bench of bishops, more than all the lay peers of the realm, have expressed their strong sense of the evil effects of beer-houses to the moral effects of the people under their care; and it is chiefly at their instigation, that I have brought forward a measure as their coadjutor, and an humble instrument in their hands, for the purpose of putting down what they abominate as prejudicial to the morals of the people—

The Marquess of *Salisbury*. These are not the words.

Lord *Brougham*. Allow me to finish the sentence; I am getting on:—"But I find that the whole twenty-six Prelates—"

Lord *Kenyon*. I rise again to order. A noble Friend of mine has called the noble and learned Lord to order, and he must state the reasons why he did call him to order.

Lord *Brougham*. The words must first be taken down. [Considerable confusion ensued, two or three noble Lords speaking at once.]

Lord *Ellenborough*, after some time said, the opportunity of taking down the words had now passed. The rules of the House required, that the words should be taken down *instanter*.

The Marquess of *Salisbury* hoped the noble and learned Lord would at least explain his meaning.

Lord *Brougham*—Well, well, my Lords, to oblige my noble Friend, I will say this, that the bench of bishops, at whose instigation I brought this subject forward, have—out of their earnest regard for the morals of the community—have sacrificed all personal considerations—and have attended—during this discussion—by two of their body—I can't go further. And I, having the greatest veneration for the bishops—a respect for them—in which I don't yield to my noble Friend opposite—I felt peculiar pain in not seeing more than two out of the twenty-six present on this occasion. But my noble Friend is content with two only—I, on the contrary, would fain see the whole twenty-six here, for if they were here, they would all vote for the bill. My Lords, I have heard nothing to induce me to depart from my present course. It has been said it would be better, that the measure should originate with the House of Commons. I quite agree to that; and hence it was, that on a former occasion I postponed the bill, that the other House might have time to consider such a measure. I waited for months—the other House originated no measure on the subject—were we to remain with our hands tied, and do nothing? If the House of Commons neglected their duty, are we to neglect ours? It has been said again, that the other House is not favourable to this measure. My Lords, I do not believe such to be the case. I know the country gentlemen are against the present system—as well as the lawyers and judges—and how the majority of a House pretending, purporting, to represent the Commons of England, should do otherwise than speak the sense of the country, I am at a loss to imagine. I do not believe the House of Commons would reject this measure. But it is for your Lordships' consideration, whether you ought not to discharge your own duty. I have no objection to an intermediate kind of beer-house—between the publican's house and the present beer-houses; and have framed a clause allowing the magistrates to license houses for the sale of beer, though not for the sale of spirits, thus uniting the comfort of the poor with magisterial control. Capital is said to be invested in the beer trade. Will not that be attended to by the magistracy? To hear noble Lords talk, one would suppose the bill would prevent the magistracy from licensing, whereas, under this bill, the magistrates may, if they please, license every one of the 45,000 beer-houses to morrow. The bill is not to put down the beer-houses, but to put them under the inspection of the magistrates. My noble Friend says, they might as well be put under the control of the bottomless pit—at least my noble Friend looks that, though he did not say it—my noble Friend has not so much respect for the magistrates as I have. My Lords, I am determined to do my own duty on the present occasion. I have brought this subject forward, prompted by a regard for the people, and a desire to see their morals and habits improved—I have moved the third reading of the bill; I now wash my hands of it. If it be thrown out by the non-attendance of those who pushed me forward to introduce it, I may regret having taken the trouble to introduce it, but I shall not be sorry for having done my duty; the evil will no longer lie at my door; I have felt the necessity of bringing the subject forward. It has been said, that only twelve presentments have been made against the present system. But let it be recollected, that these are from twelve different counties; no inconsiderable number; and let it also be remarked, that grand juries seldom present against a legislative enactment. My Lords, I now leave this bill in your Lordships' hands. It is opposed by the Government. I hope they have at least made it an "open question." Perhaps, as it only regards the morals of the people, they have not. I shall certainly not bring ridicule upon my proposal, by making it what is called an "annual motion." I entertain, however, the most sanguine hope, that the bill will not be rejected by your Lordships—of this I am quite sure, that if I fail now, I shall never hereafter succeed. I said, that the bench of bishops, at whose instigation I have brought forward this measure, and in whose hands I have been an humble tool, out of their great regard for the morals of the people, had sacrificed all personal considerations, and had attended by two of their body upon the present occasion; and having the greatest veneration for the bench of bishops, I felt peculiar pain that no more of them were here. That was all he had meant. His noble Friend opposite (the Marquess of Salisbury), with that generous ardour which distinguished the Saxons, had hastened to interrupt him. His noble Friend, perhaps, thought two quite enough of the bishops, and did not care so much about them, but he would fain have had the whole of the twenty-six here. He should certainly, said the noble and learned Lord in conclusion, now take the sense of the House, and if it were read a third time, he would do all in his power to remove the objections of detail thrown out against the bill by one or two noble Lords, by the addition of clauses embodying their suggestions.

The Duke of *Wellington* observed, that on the second reading of this Bill he had stated, that he had voted three or four times for other Bills, of which the object had been to amend the present system of beer laws; but the friends of that system had always had power in the House of Commons to defeat all measures for that object. Their Lordships were, therefore, at last brought to this stage, in which they were under the necessity of having recourse to a bill which repealed all the existing system of beer laws. When the noble and learned Lord opened this bill to their Lordships, he stated what was perfectly true, that there was considerable capital invested in this trade in different parts of the country; and, he further said, that his object was to propose a measure which would give security to that capital. Indeed, the original principle of the measure, which allowed the sale of beer on the premises, but did not allow it to be drunk there, would have given security to that capital; but the bill which was sent to a select committee had come out of it without the clauses introduced for that purpose by the noble Lord, and, therefore, without any security for capital. He should be glad to see this measure coupled with some such sort of proposition as had been made by his noble Friend below him. He thought that that object might be accomplished either by recommitting the bill with a view to amending it, or else by taking certain clauses of it into consideration after the third reading was passed. He was of opinion that if the latter course were adopted, their Lordships would be more likely to come to an agreement on his noble Friend's amendments, and to render the bill more like that which was originally introduced by the noble and learned Lord opposite. He confessed that there was one proposition of his noble Friend which appeared to him well worthy of consideration, and that was to enable the magistrates to license these beer houses. The noble Viscount, however, could not see the difference between a beer house licensed by the Excise and a beer house licensed by the magistrates. Now, there was a very material difference between them. The licence of the Excise went on for ever; but the licence of the magistrates must be renewed periodically, and would not be renewed unless the man who kept the beer house conducted himself as the magistrates thought that he ought to do. He concluded by asserting, that in passing this bill, with the amendments proposed by his noble Friend, they would be more likely to meet the wishes of the other House of Parliament, and so to achieve that good which all of them had in view.

The Bishop of *Chichester* rose to repel the most uncharitable and unchristian attack that had been made on the Bench of Bishops.

Lord *Ellenborough* rose to order. If the right rev. Prelate wished for peace, he was not taking the best means to procure it.

The Marquess of *Salisbury* was sure that the noble and learned Lord would withdraw the expression which had given such offence to the right rev. Prelate.

Lord *Brougham* had given, as he thought, a satisfactory explanation of what he had already stated. If, however, the right rev. Prelate was anxious to enter into debate, he was quite ready to repeat his expressions.

The Bishop of *Chichester*—I am the last person in the world to place myself in this position with your Lordships, but, if—

Lord *Brougham*—I have nothing more to say, my Lords. Go on, go on.

Lord *Kenyon* rose to order. It was with great regret that he interrupted any of their Lordships who sat on the Bench of Bishops; but he was sure that if the right rev. Prelate would only turn his mind to the practical results which must arise from his present course of observation, he would see that they could not tend to the preservation of order: for it was a rule never, he believed, departed from in that House, that when a noble Lord retracted an expression, he should be considered as not having made use of it. It was, therefore, not competent for the right rev. Prelate to pursue the strain of reflections on which he appeared to be entering.

The Bishop of *Chichester* said, that as far as he himself was concerned, he had only meant to say that the right rev. Prelates, whose absence that night had been impugned, had been employed, one and all, for five or six hours that day in committee upon the Church-building Bill, and also upon the Church-discipline Bill. He knew that not one of them had dined at seven o'clock, and he believed that they had all of them been employed that day from nine o'clock in the morning on public business.

Lord *Brougham* did not wish any person to stand in the way of the castigation which the right rev. Prelate seemed anxious to bestow on him. This, however, he must say—if the right rev. Prelates had been employed in committees all day, so too had the laity, and he himself had no more dined at eight o'clock that day than their Lordships had dined at seven. No expression that he had used was so disorderly as that which had come from the right rev. Bench. He had only quoted an expression from Milton.

Lord *Portman* said, that his only object in rising at that moment was to request their Lordships to decide that night on this bill one way or the other; and the best way in which they could decide on it was to give their votes in its favour. If their Lordships should recommit this bill, they would have new propositions made to them night after night, to which some three of their Lordships might agree, but which could never meet with anything like general concurrence.

The House divided—Content 36; Not-content 19:—Majority 17.

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Burlington
Yarborough
Verulam
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Bathurst	Wenlock
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Ashburton	Scarborough

On the question being again put,

The Earl of *Chichester* addressing the House, said, he should be sorry to see all kinds of beer shops abolished. He also thought it would be inexpedient to supply their place by an increased number of public houses where spirits would be sold. The evils now complained of would, he believed, be best corrected by retaining a certain number of beer shops, and placing them under stricter regulations, under the direction of local magistrates. With the view of making provision to that effect, he begged to move that the bill be recommitted.

Lord *Brougham* apprehended there would be some objection in point of form to recommit a bill which had been read a third time.

The Marquess of *Salisbury* contended that the question of the third reading had not yet been put, and, therefore, it was quite competent to his noble Friend to move the recommittal of the bill.

To be recommitted.

House adjourned.

HOUSE OF COMMONS,

Monday, June 17, 1839.

MINUTES.] Bills. Read a first time:—Shannon Navigation.—Read a third time:—Imprisonment for Debt Act Amendment.

Petitions presented. By Messrs. Pemberton, Fort, Plumptre, Halford, Blackburne, Grant, Sirs J. Y. Buller, E. Filmer, R. Inglis, and Lord Arthur Lennox, from a number of places, against, and by Messrs. F. Berkeley, Leader, and Baines, from several places, in favour of the Government plan for National Education.—By Messrs. Hodges, Jones, W. Barron, and Major Macnamara, from a number of places, for a Uniform Penny Postage.—By Sir W. Follett, from Exeter, against Idolatry in India.—By Mr. Leader, from the Westminster Reform Association, and Mr. Sanford, from Yeovil, for Vote by Ballot.—By Mr. Litton, from Kilkenny, and Coleraine, against any further Grant to Maynooth College.—By Mr. Hawes, from Norwich, for Extending the Powers of Local Courts.—By Mr. Attwood, from Alrenry (Ireland), against the Corn-laws; from the Society of National Religionists, for being allowed to Amend the Foundations of Society. —By Mr. Macauley, from the Synod of the Secession Church of Scotland, against the Government plan for Printing Bibles in Scotland.—By Mr. Lynch, from the Grocers of Galway, to be allowed to sell Spirits.—By Sir R. Inglis, from several places, for Church Extension in the Colonies.—By Mr. Colquhoun, from two places, for Church Extension in Scotland.—By Mr. Hodges, Mr. Sandford, and Sir E. Filmer, from three places, for Amending the New Poor-law Act.

PRIVILEGE.—STOCKDALE *v.* HANSARD.] Lord *John Russell* having moved the Order of the Day for the consideration of the report of the committee on printed papers said, that not having been one of the majority in the committee, he thought it right to say, that if any proposition was to be made to the House respecting the opinion of the majority of that committee, he was quite ready to permit such proposition to be made to the House; what he had to propose could come after such a motion had been made, and he would then state the course which, as he thought, the House ought to take under the present circumstances.

Mr. *Williams Wynn* said, that whatever course it might be fit for those who supported the report to take it would be fitter, in the first place, that her Majesty's Ministers who had proposed the appointment of the committee, and who had hitherto moved all the steps taken by the

House in this business, should explain the course which they meant to propose the House should pursue; it was for them to state this, and it would be for the House to judge afterwards how far they would act upon the recommendation.

Lord *John Russell* had already said that he was ready to state the course which, in his opinion, ought to be pursued; but it was a matter for the House to determine, for it interfered with the privileges and powers of the House of Commons as a House of Commons, and it did not relate to the conduct of the Government as a Government. It was, however, necessary that in the present circumstances some course should be proposed without any further lapse of time. To-morrow a most important legal step would be taken in the proceedings in the action in respect to which the House had taken the circumstances into consideration. If he did not feel the great necessity of some immediate decision being come to with reference to this question, and that some immediate measure or resolution should be adopted, he would have left it to those who had more deeply studied, and more closely followed than he had done, the question of privilege, and who would have recommended it with greater fertility of argument, and with greater weight of authority; but as it was necessary that some immediate steps should be taken, and as the House from the report of the committee, now knew the absolute necessity of coming to an immediate decision, whether the House would or would not take any further steps with respect to this action, and to certain proceedings which might be taken against the printers of the House, he would therefore propose certain resolutions for adoption by the House. In the first place, and before proceeding further, he would put the House in possession of the resolutions which it was his intention to move. He would move, first,

"That it is the opinion of this House, that under the special circumstances of the case of Stockdale *v.* Hansard, it is not expedient to adopt any further proceedings for the purpose of staying the execution of the judgment."

And secondly,

"That this House, considering the power of publishing such of its reports, votes and proceedings, as it shall deem necessary or conducive to the public interests, an essential incident to its constitutional functions, will enter into the consideration of such measures as it may be advisable to take, in consequence of the recent judgment of the Court of Queen's Bench, for the maintenance and protection of that power, so soon as the Committee shall have made that full and complete report on this important matter, which they have declared it to be their intention to make in the commencement of their second report."

He would now state as shortly as he could the reasons why, as he thought, the House ought to come to that practical conclusion, without entering upon that larger and graver question which the House would consider upon receiving the full and complete report, or when any fresh proceedings should be taken against the printer publishing under the order of the House. When he proposed to the House the resolution, that under the special circumstances of the case, it was not expedient to take any further proceeding for the purpose of staying the execution of the writ, he was bound to state that his own impression was, that nothing which had occurred in consequence of the resolution of the House, which recommended to the House the adoption of the pleading to the action, had put it out of the power of the House to take instant and immediate proceedings to stop the execution of the writ. The argument in that behalf had been stated very clearly and very ably in the Committee by an hon. and learned Member, who had placed his opinions upon record, in the form of an amendment to the report, drawn up by his noble Friend, the Chairman of the Committee. This was also the opinion of many Members of the House belonging to the profession of the law, who had considered the case, before the House had determined to direct the Attorney-general to plead in the case of Stockdale *v.* Hansard—of many Members belonging to the profession of the law, belonging to both sides of the House, who had informed him, and had informed the House also, that such was their opinion. It was likewise stated, that the same course was taken in a stronger case than the present—in the action brought against the Speaker by Sir Francis Burdett. Mr. Ponsonby was of opinion that the Speaker ought to plead to the action, though he thought, at the same time, that the House ought to commit the solicitor in the action. That was the course adopted by the House upon that occasion, and by the Government of that day; and so far as the direction went, it was agreed in by Mr. Ponsonby, who was a high authority, not only from his studies and his station, but as belonging to the political party opposed to the Government of that day. All that the House had done by pleading was, in effect, to inform the Court of Queen's Bench that this was considered by the House of Commons as a question involving the privileges of the House of Commons, and a power which they deemed essential to the performance of their functions; they had, therefore, pleaded in order to bring correctly and formally before the judges of the Court of Queen's Bench the information, that the House of Commons so considered it. It was obvious that the pleading to this cause, and placing this opinion before the judges of the Court of Queen's Bench, could not prevent the House of Commons from taking any proceeding they thought proper after the decision of the judges of the Court of Queen's Bench. But it was a totally different question, whether the House of Commons, being competent to stay the execution of the writ, would give any such directions. The first question, then, which he asked himself was, whether it would be consistent with justice that they should do so? He owned that he could not persuade himself that it would. The House of Commons had brought the question under the consideration of the judges. They were bound not merely to accept the information from the House of Commons, that they considered it part of their privileges, but also whether they were legally prevented from giving their judgement in this case as they would in any other which might come before the courts of law. This being the case they had, whether rightly or wrongly, decided, that the defence was not sufficient, and judgment was given for the plaintiff. The damages had since been assessed by a sheriff's jury, and 100*l.* had been awarded. The sheriff, who would have to execute the writ in consequence of this award, would have no means of considering whether he had received any legal or sufficient authority to induce him to execute the writ. The sheriff was not the party instituting the action; he was not the solicitor bringing it forward, he was not the counsel appearing on behalf of the plaintiff; he was not the judge who had decided against the privileges of the House of Commons; he was only the executive officer to whom and in the legal and usual course in an action would be entrusted the execution of the writ to levy the damages against the defendant. It seemed hard, then, to pass over the party, to pass over the solicitor, to pass over the counsel, to pass over the court which had delivered the judgment, and to commit the sheriff who would have to execute the writ. This would be, as he thought, against those notions of justice which all men, whether learned or unlearned, would entertain upon this subject. He would say, then, with respect to this particular action—not merely allowing, but asserting that the House of Commons was right in instructing the Attorney-general to plead in the action—that in the present stage of the proceedings, after judgment had been given, it would not be consistent with justice to order the sheriff not to proceed with the execution of the writ, with a view of committing him to custody if he should disobey such order. When he said, that such a course was not consistent with justice, he thought that he had already said, that it would not be consistent with expediency. If they were to proceed in this question in a manner which would be thought by the people of this country in general, as it appeared to him, inconsistent with justice, there could be no higher degree of inexpediency—there could be no more decisive evidence of the inexpediency than the idea, that such a decision would not have justice on its side. He would not, therefore, enlarge upon the impression that might be produced, or upon the feelings that might be created, by a proceeding, on the part of the House of Commons, which would excite general repugnance and dissent. It was sufficient for him to state, that he thought those feelings of repugnance and dissent would be naturally excited, and therefore he had come to the conclusion, that it was not expedient in this case to adopt any proceeding for the purpose of staying the execution of the writ. He thought, that the House was not debarred if there should be a case of absolute necessity; but as he did not consider, that the sheriff was the person on whom the punishment ought to fall, it would be highly inexpedient to take that course. Having said thus much in support of the first resolution, he would state with regard to the second, that he thought it necessary to make some few remarks in favour of the resolution to which the House had already come, and the substance of which was stated in the report, namely, that the House should have the power of publishing such of its votes and proceedings as it should deem necessary or conducive to the public interests, and which it stated to be incident to its constitutional rights and privileges. The House would recollect an action was commenced in the Court of Queen's Bench; but they did not think it proper without further knowledge, both on the part of the public and on the part of the judges, to order the commitment of any persons who were parties to the proceeding. The House decided, that the Attorney-general should appear and state that the House of Commons considered this was a function and a power necessarily belonging to them; and it appeared to him, that in so proceeding, while they did not give up the rights of the House, the House had acted with great temper and moderation. They might have taken a less moderate and more violent course; but it appeared to him, that the House had acted right in submitting to the judges the grounds on which they thought that no action could be maintained. His hon. and learned Friend, the Attorney-general, had stated with very great ability, with very great learning, and with very great judgment, all the points which it was incumbent on him to press on the attention of the court. He (Lord John Russell) would not enter into a consideration of the precedents which his hon. and learned Friend had quoted upon that occasion, but he thought it necessary to say a few words as to the nature of the decision which had been come to by the judges upon this question. His hon. and learned Friend, the Attorney-general, had stated to the House, immediately after the judgment was pronounced, the general effect and substance of the opinion of the judges. That statement was impugned at the time; but from what he (Lord John Russell) had read since of the opinions of the judges, he must say, that it not only confirmed the general accuracy of his hon. and learned Friend's opinion, and had also confirmed him in the opinion, that however right the House of Commons might have been in not proceeding to any violent or extreme measures till they had submitted, by pleading, their cases to the judges, yet that the judges, however conscientious they might decide the question, and however great might be the learning displayed by them, were not the fit judges of the privileges of the House of Commons. It was not wonderful that it should be so; it was consonant with the whole of our history; it was consonant with examples without number, that the judges, however eminent they might be in their own places, and however eminent they might be in the discharge of the functions which they had to perform, were and ought not to be the supreme judges of the powers and the privileges of the House of Commons. On matters which were not of a nature to come under their usual consideration, and to attract their daily and ordinary attention, it was obvious that they must come to a narrow and a very exclusive decision. He would take the liberty of reading some passages from the judgments of some of the judges in support of the opinion which he had given, and he would not have done so unless the statement of his hon. and learned Friend had been impugned the other evening, and as consequently this general statement of his own was liable to contradiction in that House. The case before the court arose out of the reports of the inspectors of prisons, and it was the opinion of Lord Denman that the statement of the inspectors of prisons had nothing to do with the proceedings of the House. Let it be observed, that this was not a legal opinion, arising on any legal question, but this legal question, not being a question for judgment. The Lord Chief Justice of the court of Queen's Bench, had thus spoken in his judgment of the proceedings of the House of Commons:—

> "It is likewise fit to remark, that the defamatory matter has no bearing on any question in Parliament, or that could arise there. Whether the book found in the possession of a prisoner in Newgate were obscene or decent, could have no influence in determining how prisons could best be regulated, still less could the irrelevant issue whether it was published by the plaintiff."

He would now beg to call the attention of the House to this question in particular. It might happen, that matters were ready for the consideration of the House, of which no present notice was taken; but it occurred that on this question in particular, not only might the opinion of Parliament be fitly pronounced, but more than once they had been called upon to do so. Three years ago, in 1836, as he thought, or in 1837, a bill for the regulation of prisons was introduced into the House of Lords. It passed that House; it was then sent to this House. The bill in general met with the approval of the House, but one exception was taken to it. It was said by many Members in that House, that the prison of Newgate was exceedingly well managed; that there was little or no abuse, and that there was little that required regulation; and he was threatened with the loss of the bill, if he did not exempt the prison of Newgate, from its operation. The exception in favour of this prison seemed to him to be unreasonable. An inquiry in the House of Lords showed, that the prison was not so free from irregularity as it had been said, and he declined, to exempt Newgate from the bill. Only let them conceive, then, a person—he would not say an excellent judge, but only conceive a judge saying, that any question as to the prison of Newgate had nothing to do with legislation, when the very question was whether Newgate was so well regulated as to preclude the necessity of inspection. The next year a committee sat on the regulation of prisons, and the first question was, whether it was not possible to propose better means of regulating Newgate, and whether it was not possible to build a new prison?—and the committee reported in favour of such a resolution; and was he to be told, that the regulations in force in Newgate, were matters which could not properly come before the House of Commons. When the House considered the question as to the possibility of substituting any better course of prison discipline, it was important that the House should know what the inspectors of prisons, authorised by the Legislature, said as to the prison visitors, as to the gaolers, and though on a minor subject, still on an important one, as to what books were introduced. It was a part, a small part if they would, but still a part of the general system of prison discipline. The judge said, also, that if the ascertainment of these facts "by the House was a thing indifferent, still less would the publication of them to the world answer any one Parliamentary purpose." When the prison inspectors reported, that the management of Newgate was very loose, that obscene books were introduced there to the contamination of the youthful prisoners, it was surely just and proper, that the Court of Aldermen and those who had the management of that prison should be made acquainted with that report, that they might contradict its accuracy, if they could. Yet it would seem, according to the learned judges of the Court of Queen's Bench, that any Member of the House who, when the report was printed, should have communicated it to the Court of Aldermen or any person not a Member of the House, would have been guilty of publishing defamatory matter, and subjected to the most vexatious, expensive, and harassing proceedings. Another learned judge was also of opinion that, though Members ought to have their papers, they ought not to communicate them to other persons, and Lord Denman observed,

> "The reasoning is, if you permit the number of copies to be as large as the number of Members, the secret will not be confined to them; and this affords a strong appeal to justice and expediency against printing, even for the use of the Members, what may escape from their hands to the injury of others."

So that the bias of the learned Chief Judge's mind was, that if any doubt existed on the subject, that doubt would induce him to decide against the power of printing even for the use of Members. The judgment of another learned judge (Mr. Justice Patteson) extended to a great length over the whole question. In the course of it, he observed:

> "It is said, that if papers, however defamatory, must needs be printed for the use of the Members, as it is plain they must, and the point is not disputed, their further circulation cannot be avoided; for what is to be done with the copies upon a dissolution of Parliament, or upon the death or retirement of a Member? The answer is obvious; the copy of such defamatory matter ought to be destroyed."

Now, only imagine the House of Commons reduced to such a position as that each of its Members should be obliged to destroy his copies of all Parliamentary papers on the dissolution of Parliament, or his retirement from the House. He would put this case: the right hon. and learned Member for the Tower Hamlets at the commencement of the Session retired from Parliament, on his acceptance of the judgeship of the Admiralty Court. According to the views of Mr. Justice Patteson, the first thing the right hon. and learned judge should have done on resigning his seat would have been to go into his library and destroy all copies of such of his Parliamentary papers as might contain what could be considered defamatory matter. This statement of the learned judge showed the House that whatever course they might think fit to adopt, whatever should be the result of the advice of the Committee, it was quite impossible they could acquiesce in this opinion of the learned judge. He did not see, for instance—and this point did not appear to have at all occurred to the judges—he did not see, for instance, how the House could entertain any complaint respecting the conduct of a person holding office, or in the situation of a judge, or proceed to any address for the removal of such person, if they were not able to communicate to any party, even to the party accused, copies of the complaint made against him. There was an infinity of cases which could be put forward as illustrations to show, that the House could not admit this interpretation of the learned judge. Put the case of the proceedings in a question in which the hon. Member for Oxford took such interest, the slave trade, and the conduct of the Government respecting that trade, as carried on under the flag of Portugal. According to the court of law, if the hon. Member moved for copies of the despatches which had passed on this subject between the Government of this country and the Government of Portugal, and these were produced, it would be perfectly competent in the Government of Portugal to go to the Court of Queen's Bench, and say, that these despatches were in some part of their contents a libel, either against the Government, or against some captain of a vessel, or against the Queen of Portugal in general, and proceed to an action. And how, again, would the Government of this country be able to defend themselves in reference to any proceedings they might advise her Majesty to adopt on the subject of Portugal, if they were not able to communicate to the country what the case was as regarded the Portuguese slave-trade. But then the question, as stated by Mr. Justice Patteson, came to this, whether or not the House of Commons or the Court of Queen's Bench was to decide ultimately and absolutely with respect to the privileges of the House. Mr. Justice Patteson argued that it was the Court of Queen's Bench which was tomake inquiries and decide on the points, and, indeed, as the Attorney-General had observed, not only the Court of Queen's Bench, but any court of quarter sessions, or borough court, or any other inferior tribunal, might make inquiries, and decide upon these points, according to the opinion of the learned Judge. He was ready to admit, that it was quite possible for the House of Commons to exceed the due and proper powers which were vested in it, and necessarily vested in it, for the performance of its duties. Indeed, Mr. Justice Coleridge had put this extreme case, that the House of Commons might order capital execution to be done on a person convicted of petty larceny. This certainly was a very extreme case, and if the putting such extreme cases had anything to do with the real bearing of the question, it would be very easy to suppose an extreme case on the part of the court, though it would be difficult to go beyond that suggested by the learned Judge. But the House must bear in mind, that if the judges were to have the power of defining the privileges of the House, they might not only prevent any new privileges being asserted, but they might also restrict the ancient privileges of the House, and deprive them of all their powers; for that tribunal in which was vested the power of explaining, interpreting, limiting, and restricting the privileges of the House, would also have the power of settling what those privileges should be. He could imagine the case of some Member making a speech in the House against one of the learned judges in England, Scotland, or Ireland, and asking the House to proceed to an address against him. If the case were brought before the Court of Queen's Bench, it might be argued in answer, that the party who had made the speech in the House of Commons was not answerable for it, as it was spoken in the House of Commons. Upon this the judge might say, upon the newly-declared principle—he (Lord John Russell) was only following the example of a learned judge in putting an extreme case—the judge might say, it is true that Members have the power of saying what they please in their own Court of Parliament; but when the House has once admitted strangers to be present at their debates, when they have declared their opinions in the presence of strangers in particular cases, or against particular persons, this is a communication to strangers, a publication to the world, and the opinion becomes a slander, and an action for slander will lie against the person making the speech, not because he pronounced it as a Member of the House, but because he pronounced it in presence of several persons sitting in the gallery, and therefore virtually published it. Such a judgment given by the Court of Queen's Bench would not be near as extreme a case as that which had been quoted in order to justify depriving the House of its ancient and essential privileges. There was no case so extreme, so absurd, so improbable, that might not be imagined for the purpose of affording grounds for taking away any power vested in the House of Commons, the House of Lords, or the Crown. The Crown had the clear right of declaring war against all the powers of Europe to-morrow, if it thought fit; but would any one make this very improbable contingency a ground for demanding that the Crown should be deprived of its right to declare war. It would be utterly preposterous and unjust to talk of depriving the Crown or either House of Parliament of their due and essential and constitutional powers, because it was possible to conceive a case in which these powers might be improperly exercised. He would repeat his admission, that the House might possibly exceed its powers; but he could see no means of its maintaining its authority, its dignity, its independence, except reserving to itself entire and undiminished, the power of declaring what were its due and constitutional privileges, and by taking care that such a declaration on its part should be held final and sufficient throughout the empire With respect to the manner in which these powers were to be best asserted, the way in which the House could best proceed on the general question, he did not propose to give any opinion whatever on this occasion. The House had seen that their Committee, having considered this matter very anxiously, was extremely embarrassed as to the course to be pursued. He found that even Gentlemen on the Committee, the most conversant with the subject, and the most competent to give an opinion on it—the Attorney-General, among others, had great doubts as to the course to be adopted, and he thought it better to abstain at present from offering any suggestion on the point. All he would do on this occasion would be to declare his conviction, that the maintenance of their power to print their votes and proceedings was essential to them, and must not in the slightest degree be abandoned, if the House wished to preserve its efficiency and its authority.

On the first resolution being read,

Dr. *Lushington* said, he should have been glad if some other Member had addressed the House on this resolution before he himself offered a few remarks upon it. He had not been a member of the committee to whom the consideration of this question was originally proposed; but he had the honour afterwards to be named on the committee which lately sat, whose report the House was now considering, and he felt himself bound to come forward under the existing circumstances, not to oppose the resolution of his noble Friend, but to support and maintain the opinion which, after much consideration, he had taken the liberty of stating in the committee. There was a great deal in the speech of his noble Friend to which he (Dr. Lushington) could give his acquiescence. He concurred in his opinion, that this was a privilege indispensable to be maintained by the House of Commons, without which it would be utterly impossible for the House honestly to discharge its duties to its constituents. But after hearing this privilege so ably maintained, and the various parts of the judgment so ably animadverted on by the noble Lord, he (Dr. Lushington) must confess that he looked upon the conlusion to which the noble Lord had come as an abandonment of the privileges of the House. This was a question of vital importance to the interest of the people at large. It was not a question of personal privilege. It was not a question of privilege from arrest, a privilege affecting themselves personally, or their property; but it was a question of a privilege without the exercise of which they could never satisfactorily perform their inquisitorial duties, expose the abuses which might exist in the administration of justice, give satisfaction to their constituents, or do justice to the people of this country. Let the House look at the circumstances of this case; let them reflect what their position would be if they once abandoned this privilege; and then let them ask themselves how, on a future occasion, differing as it might in all essential particulars from the present case,—how, if they now submissively humbled themselves before the judges, they could have the slightest prospect of success in their asserting that privilege which they had almost unanimously voted to be essential to the House. How bold was the House in conclusions! how courageous in recording its opinion! how weak—how vacillating—how imbecile, in acting upon it! How did this question come before the House?—how did it originate?—in any extraordinary exertion of the rights of the House—in carrying its power to its extremest bounds—or in the performance of one of its first, its greatest, its most sacred functions? It originated in an inquiry into the gaols of the country—an inquiry into those dungeons which within his own memory he recollected to have been not merely full of abuse, cruelty, and injustice, but the fostering haunts of crime and contamination. In the prosecution of that great and most just inquiry, inspectors were sent into these gaols, whose reports were ordered to be laid on the Table of the House. These reports were laid on the Table of the House, and from them it appeared, that in a prison—not in a distant part of the country, where there were slight inspections, where there was little inquiry as to whether abuse existed—but in a prison in the heart of the metropolis, within two miles of the House of Commons, within the City of London, and under the management of a body who had shown themselves excessively zealous of their own privileges; that here there had been found the abomination of abominations, a prison half filled with youth of both sexes, in which the most obscene, demoralizing, and disgusting books were allowed freely to circulate. And who was the plaintiff in this case? A man whose character had been unjustly slandered, who was smarting under the injustice of a publication without having the opportunity of vindicating himself and his property before the world, as might happen in the case of a man against whom a petition was presented containing particular charges?—No such thing: the plaintiff was the very publisher of these horrible publications, the very author of the crime, the very individual who sent forth these obscene books! This was the man who came forward, and brought an action impugning the privileges of the House. It would be utterly impossible for ingenuity to imagine a case which presented less grounds for an action—impossible so to combine together circumstances as to form a case which should present to the mind greater iniquity in the offence, or a greater offender in this respect than the person bringing the action. It was said, that the House would be taking an unpopular course in contravening the judgment of the court of law—that the people of England would stand by the court of justice in insulting the House of Commons. He (Dr. Lushington) would tell the House that the people of England would do no such thing. As he said in the committee, he would repeat now, and from the bottom of his heart, "Go to the people of England, and tell them this; go to the poor parents, to the poor widow, with children dependent on her, and under her control, and having scarcely the means of supporting them; tell her, that should these children become the victims of crime and of accusation, they will be shut up in a prison, where such contamination as these books will surround them." Did the House suppose that the people of England would not have all their feelings aroused against this? They would reflect, that the innocent as well as the guilty were inmates of this gaol. What said the noble Lord? His opinion was, that it would be unjust to proceed in this matter now. If it were unjust, the question would be at an end; but he denied that it was so. How did the case arise? The Attorney-General had proposed a course which had been followed. He should not trouble the House with any legal argument on the subject, but he would maintain this: that all that had been done by pleading in that action did not admit the jurisdiction or concede the right of the Court of Queen's Bench to try the action but merely informed the Court of Queen's Bench in the most authoritative form and in the most respectful manner, that this was an act of the House of Commons, that it was done by their order, and that they demanded that the proceedings should be put an end to. The resolution which the House had come to passed unanimously—at any rate, there was no division upon it. Well, then, the House having acted with such forbearance, having acted in strict conformity with former proceedings, and the Court of Queen's Bench having thought fit to disregard the communication from the House of Commons so authoritatively made, was it consistent with propriety, with the maintenance of its just rights, that the House should now abstain from further proceedings in the matter? The noble Lord talked of injustice. To whom would injustice be done? The noble Lord said, to the sheriff. But no one proposed to commit the sheriff. What was proposed, was to give notice to the sheriff, in the name of the House of Commons, that if he proceeded to execute the writ, he would be guilty of contempt. It was said, that it was the duty of the sheriff to execute the writ; he would assert that it was not. It was his duty to obey the House of Commons. The House of Commons was the judge of its own privileges, and if they abandoned any of those privileges, it would be impossible for them efficiently to perform their duty to the country. Assuming that the sheriff obeyed the order of the House, and any proceedings were taken against him in consequence, then it would be the bounden duty of the House to uphold him, and to commit to the custody of the sergeant-at-arms any individual, be he who he might, who ventured to outrage the House by contravening its orders. Had the House become so impotent that it could not, and so pusillanimous that it dared not, defend itself from aggression? If so, it had better at once formally abandon all its nominal privileges, and become really as powerful as it seemed to suppose itself to be. His noble Friend had gone on to propose, that, after having thus submissively prostrated itself at the feet of the judges of the Court of Queen's Bench, after giving this precedent of entire acquiescence in the *dicta* of those judges, the House should, when the report came, set about devising some plan which should have the effect of preventing the recurrence of this breach of the privileges of the House. He could not conceive it impossible that, in any report which could be made by the committee, any means could be suggested to the consideration of the House, for replacing the House in the position in which it now stood—namely, with the power and full right, at the very first moment a court of law declined to acknowledge its authority, to go fully, and in the face of the country unflinchingly assert and maintain its privileges in the most distinct and unequivocal manner. He might be asked what practical course he should propose. Had he the slightest prospect of obtaining any extensive support, any hope of being able, by a motion, to maintain the privileges of the House as they ought to be maintained, humble individual as he was, he would not shrink from the responsibility, if no other Member of the committee, entertaining similar opinions were to come forward and propose a resolution. [*Cries of "Move, move!"*] But, no: *diis aliter visum*; and after the opinion which the noble Lord, so justly looked up to by his party, had given, it would be absurd, not to say impertinent, on his (Dr. Lushington's) part, to attempt to force a motion of his own on the House. He would only observe, in conclusion, that the evils depicted by the noble Lord as imminent, if they abandoned this privilege, were nothing compared to the reality.

Sir *R. H. Inglis* said, that whatever gratitude might have been awakened in the noble Lord, the Secretary of State for the Home Department, towards his right hon. Friend by the opening passages of his speech, every succeeding sentence must have tended gradually to dispel it, because, whatever might be the decision, or the vote with which that speech closed, all the intermediate part was most hostile to the noble Lord's proceedings. A termination more contradictory to the great body of a speech he had never heard. The speech itself, indeed, was worthy of the talents, worthy of the eloquence of his right hon. and learned Friend, worthy of everything, except its conclusion; and why, after seeing so clearly as he did the conclusion to which he should have come, he should stop short and turn round and take another course, was most extraordinary. He would say now, what he had said two years ago, that they had placed themselves in the most difficult position, after being led on by two learned Gentlemen, in which, as a legislative body, they had ever been placed. He saw no alternative for them but retreat, after eating as much leek as ever was eaten by ancient Pistol. He had warned them that such would be the result; and had formerly stated, that the easiest and straightest course would be to retrace their steps. He had told them on the 1st of May 1837, they should do that which they were prepared to do on the 17th of June, 1839—that was, most humbly to acknowledge, by a resolution on the journals of the House, not perhaps in such strong words as he was about to use, that they had bullied the courts of law, and finding that to be of no use, would alter their conduct. His right hon. and learned Friend had made a most grandiloquent speech, to night, about their rights and privileges, and he remembered, when in like manner, the hon. and learned Gentleman, the Attorney-general declared, that there was no lawyer in Westminster-hall who held a different opinion on this question; yet on the very first division, though the Attorney-general was followed by 120 Members, and the minority did not consist of more than 36, yet the number of lawyers in each division, was, he believed, alike 12; and the views of those in the minority had been since confirmed, not only by the opinion of the great body of the bar, and of the House, but by the unanimous judgment of the Court of Queen's Bench. His right hon. and learned Friend though he had adopted the conclusion of the noble Lord, had suggested, that the course which the House ought to take was not to summon the sheriff to attend at the Bar of this House, but to warn the sheriff and to give him notice, that if he executed the writ of execution he would contravene the judgment and violate the privileges of the House. What next would the right hon. and learned Gentleman do, supposing the sheriff did execute the writ? The sheriff was bound to execute the writ issued to him by a superior court, and without assuming much professional knowledge, he apprehended, that a party having obtained a writ, had some means of calling upon the law to enable him to obtain the amount of the damages which had been assessed to him. If so, was it possible to conceive, that in the event of the sheriff neglecting to levy, a party having obtained such a writ would be content to remain twenty-four hours quiet, and thus to leave his verdict, as it were, reversed, and himself deprived of the pecuniary benefit awarded to him. If, he repeated, the sheriff should be frighted from his duty by the course suggested by the right hon. and learned Gentleman opposite, could it be doubted but that some means would be found to call upon that officer to execute the law, and then, he begged to ask, would the House be prepared to seize the Judges of the Court of Queen's Bench, with the Lord Chief Justice of England, himself a Peer? He called upon his right hon. and learned Friend opposite to answer that question in the face of the House and of the country. Let him not fly at the inferior birds—let him seize the eagle at once, and on that principle bring the Lord Chief Justice of England to the bar. He believed no man possessed more moral courage than his right hon. and learned Friend but if he engaged the people of England in such a contest, some physical as well as moral courage would be necessary. He believed it would produce a revulsion in the country if the course hinted at by his right hon. and learned Friend, and to which the House had been invited the other day by the hon. and learned Member for Dublin, was pursued. But until it was resolved to bring the Lord Chief Justice to the Bar, then, and not till then, ought any attempt to be made to resist the sheriff; for, let it not be supposed, that any moral courage would be displayed by letting the great authority pass free, and taking only the inferior party. Who was it, that had overruled their privileges? Not the party to the action nor the jury who assessed the damages, nor the counsel, nor the attorney, nor the sheriff, but the expositors of the law, who called on the jury by their order to assess damages, and who directed the sheriff to execute their writ. His noble Friend (Lord J. Russell) had quoted passages from the speeches of the judges in a way which would give the House a very imperfect view of the judgments and opinions of those learned personages. His noble Friend had quoted a passage from the judgment of Mr. Justice Patteson, which had been open to much unseemly ridicule both when the matter was formerly before the House and in committee. While the noble Lord was making that quotation, there was sitting near him, another noble Lord his colleague who had been a party in the cause quoted by Mr. Justice Patteson in p. 177 of the parliamentary volume which he (Sir R. Inglis) held in his hand, and which opened the question, what were confidential communications, and what were not? The learned judge said:—

"In the case of 'Fairman v. Ivis,' 5 Barnewall and Alderson, 642, a petition addressed by the creditor of an officer in the army to Lord Palmerston, the Secretary-at-War, was held not to be actionable, although containing defamatory matter; but can it be doubted, that if Lord Palmerston had ordered it to be published, the publisher would not have been liable to an action? Or, can it be contended, that the Secretary of State, to whom the report and reply on which this action is brought were by act of Parliament directed to be sent, to be by him laid before Parliament, would have been justified in publishing them? And if not, why should the House of Commons be at liberty to do so."

The noble Lord there stopped, but he should have added the next passage:—

"In the same manner, the protection of all confidential communications extends no further than the necessity of each particular case requires."

The learned judge then made a great distinction between communications which were, and those which were not, privileged. And, on that authority, he contended, as he had once on a former occasion, that a privileged communication was that which was intended only for the use of Members of that House, and that communications were not privileged, which, by sale or otherwise, were published to others. Now, no one pretended to set up any distinction as to the act of publication, between the distribution and the sale of Parliamentary documents. He had formerly contended, that the House was not at liberty to publish by way of sale, but the decision of the judges had satisfied him that he was wrong, that sale made no legal difference in the act of publication, and that neither by sale or gratuitous distribution had the House a right to publish matter which was essentially libellous. Half the argument in this case rested on the difference between libellous and privileged communications necessary for the information of the House, and it was only necessary for the House to avoid libels to escape all the difficulty. There was not one case in twenty in which the most fastidious person might find anything libellous in the papers of the House. Why, then, in the instance which formed the matter of the trial, was not greater care exercised? Could it be said that it was impossible to exercise sufficient care to avoid libel? Why, in many instances, in the police committee for instance, parties implicated had been designated by the letters A, B, C, and D, and though all the facts appeared for the judgment of the House in these reports, still they contained nothing that could lead the world to know who were the parties designated by those letters, and therefore those parties could not be damaged or injured. He repeated, therefore, that it was easy to do this, and that greater caution should be exercised in the publications directed, and that the House ought not to consider itself at liberty to publish every matter or allegation brought forward before its committees, when there was no opportunity of defence on the other side. In the present instance the name of the author had been suppressed, and why had not, also, the name of the publisher? The whole difficulty had arisen from the carelessness, the recklessness, and the want of attention, with which a Parliamentary document had been published and sent forth to the world. But it was now too late to refer to this; the House had got into a great scrape, (the simplest word is the only one fit for the occasion) and the only question was how to get out of it. The proposition on which he (Sir R. Inglis) had originally desired to take the sense of the House, was one which, in substance would have met the views of his noble Friend opposite. But it occurred to him, that his noble Friend having abandoned the great and leading proposition—namely, the right of the House to resist the law, had comforted himself with the consolation, that he might keep *in petto* materials for vindicating with effect the dignity of the House on a future occasion. That comfort was for ever denied his noble Friend after the speech of the right hon. and learned Member for the Tower Hamlets. He did not stand there to defend the character of the party who had brought this matter to issue—into the merits of that question he did not at all think it necessary to enter; it had not been raised on the pleadings, but by observations, in which he could not concur, His noble Friend had cited many instances from the judgments of the learned judges, to show how little they ought to be trusted with powers to revoke the privileges of the House. He (Sir R. Inglis) might deny the conclusion at which his noble Friend had arrived; but what would be the result of his noble Friend's proposition? Did it not leave the judges in exactly the same position? Would it be impossible that next week there might arise a similar case, and another, and another? But by the second resolution of his noble Friend some ulterior result was to be reserved. This was to be accomplished either by a resolution of the House or by a bill to be passed through Parliament. As to a resolution, was it not clear that those who had already set at nought one resolution would set aside another? Then, if the remedy was to be by bill, it must be either a declaratory or enabling bill—if the former, it must declare that to be law which the Court of Queen's Bench had pronounced not to be law, and which the House, by not resisting that decision, had also said was not law. Was not that resistance open to the Attorney-General on behalf of the House? The hon. and learned

Gentleman had not exhausted all the resources which the law afforded him, but he had not ventured upon them. There was a writ of error open to him, but the hon. and learned Gentleman feared to take that course, as it might lead to the same result. A declaratory bill would, therefore, surely not be resorted to. Would they, then, proceed by an enabling bill? How could the power of that House to claim, or of the other to concede, be limited? When a bill was introduced to "enable" that House to exercise certain privileges, they must exercise them under the controul of another body. Now he would not enter into the question which body was the most popular, or the most deserving; but this he would say, that it would be as unconstitutional for that House to yield to the House of Lords in a matter relating to their own privileges as to yield to the learned judges themselves. What, then, were they to do in this case? No man could feel more than he did the difficulties in which the House was placed, nor desire more earnestly and sincerely to put an end to them, because he admitted to the fullest extent the principle, that the privileges of that House were not for individual Members, but for the benefit of the people whom they represented. That, however, which was before theory, had now become fact; that which had been thought a mere legal supposition, had now been decided by the Court of Queen's Bench. The course of the House, then, was clear. If they could not evade or resist that decision by any process, known either to themselves or to the constitution, their first duty as good subjects was to obey the law, and to declare, not in the terms of the report of the committee, but in terms contrary to it, that the House was not prepared to resist the execution of the law. He would, in conclusion, state his views as embodied in the resolution he had prepared, and which, if he had felt at liberty, he would have stated to the House in the first instance. The resolution was to the effect—

"That this House having directed the Attorney-General to appear on behalf of Messrs. Hansard and Son in an action brought against them for the publication of a certain paper alleged to contain libellous matter against John Joseph Stockdale, which paper the House had directed them to publish, and the Attorney-General accordingly having appeared on behalf of the defendants in the Court of Queen's Bench and argued the question of law on a demurrer to a plea—namely, as to the right of the Court of Queen's Bench to inquire into the power of this House to direct publication without liability to the defendant, thereby, and judgment having passed against the defendants by the unanimous decision of the judges of the said court, and the ordinary appeal from such judgment not having been adopted, and the damages having been assessed against Messrs. Hansard and Son by a jury duly summoned, and the same being about to be levied forthwith, this House do not resist such execution of the law."

Though this resolution left the matter as it stood, still it treated it in a more straightforward manner than the proposition of his noble Friend opposite. The hon. Baronet concluded by moving the resolution as an amendment.

The *Speaker* having put the amendment,

Sir *R. H. Inglis* said, as the first resolution of the noble Lord proceeded on the same principle as his, though it did not go so far, nor so straight to its object, it was not his intention to press his resolution to a division, as he merely wished to have it recorded.

Amendment withdrawn.

Mr. *Warburton* had thought when he heard the right hon. and learned Gentleman so warmly and so eloquently argue the case, and express opinions in which so many hon. Members concurred, that he would at least have placed the House in the situation to put on record a resolution expressing those opinions. As he had not done so, however, he (Mr. Warburton) was prepared to give those hon. Gentlemen who might concur with him in opinion an opportunity to put their opinion on record. The amendment which he would propose was a paragraph taken from the excellent draft of the report presented to the House by the hon. and learned Member for Newark, who had acted a straightforward and manly part on this question, because the opinions he had expressed he was prepared to maintain. How great a contrast did his conduct afford to that of other hon. Gentleman, who were so loud on former occasions in maintenance of their opinions, and of their readiness to show that those who had adopted the course which gave rise to these discussions had been guilty of a contempt of the privileges of Parliament. He should proposed the following resolution by way of amendment:—

"That acquiescence in the judgment pronounced in this case will create on the part of the House a great impediment in the future necessary exercise of Parliamentary authority in vindication of their privileges, and that it is therefore necessary that the House should forthwith declare, that the further prosecution of the said action and the attempt to levy any damages on the defendants for a publication in pursuance of the orders of the House directly impedes the exercise of their Parliamentary functions, and is a high contempt of the privileges of the House; and that the House will visit with severe displeasure all officers, ministers, and others who may act or aid in any manner in enforcing the judgment on that matter, or in troubling or molesting the said defendants for such publication, and that a copy of this resolution be served on the sheriff."

He would merely say a very few words in support of this resolution. He desired to remind the House of the many instances in which that House in the exercise of its inquisitorial functions had published matter which, according to the authority now set up, must be deemed libellous. One instance he would particularly refer to, which occurred only a session ago. He alluded to that case in which a magistrate for the county of Kent was charged with having induced thirty or forty persons for a sum of four or five shillings each to put their names down as subscribers to a railroad scheme for thousands of pounds, when those parties we shown to be persons of no means. Now was, or was not, this a fit case for the investigation of Parliament? Was it a case the circumstances of which ought to have been confined within the walls of Parliament, or one which ought to have gone forth to the public, so that others who might be prone to resort to the same course might be warned from it? A similar investigation took place in regard to five or six other subscription lists. The investigations were of no use whatever unless the names of the individuals proved to be insolvent, yet subscribing their names for thousands of pounds, were given to the public. Yet he might as a publisher of those libels, for he gave away several copies of them, have been called on by the Court of Queen's Bench as a libeller. To talk of their exercising these inquisitorial functions without being able to make the result of them public was trifling with the House. But he apprehended the question was not to be argued. It was a *res acta*, a matter on which the House had already decided, and all that the hon. and learned Member for Newark called on the House to do was to stand by its own resolutions. The noble Lord called on them to be prudent now and valiant hereafter. This was to suppose, that the House could choose its ground as advantageously in a similar instance as in the present; to suppose, that some knew Mr. Stockdale would bring his action for libel while the House was sitting, and that the House would therefore have the opportunity of commencing its resistance *ab initio*. Suppose, on the other hand, the action were commenced during the long vacation, proceeded in with the greatest activity, and pushed on to judgment before the House again met, so that execution had either been levied, or was on the very point of being levied when the House met:—what, in such case, would become of their threat to visit the court with their displeasure? The same appeal to compassion on the part of the sheriff would again be made; the House would be told it was too late to commit him, and to dispute any of the proceedings, and, therefore, it would again be recommended that judgment should be allowed to go by default, and execution suffered; and again they would be told, that the next case should be that on which they should no longer be cowed. The hon. Gentleman concluded by moving his amendment.

Mr. *Hume*, in seconding the motion said, that no Member of the House was more interested in the question than himself, for since he had sat in Parliament no man had brought forward more cases of abuse, in which evidence was elicited which might be considered libellous. He was of opinion, that the powers of the House, as the grand inquest of the nation, would be destroyed if they delayed to do those acts of justice which the interests of the nation required. They might as well shut the doors of the House (which, by the way, many might wish to do) as give up a privilege, by the exercise of which so much good was done, and likely to be done to the country. He was very anxious to hear the right hon. Baronet, the Member for Tamworth, deliver his sentiments on the present question, for he (Mr. Hume) could not but bear in mind the very argumentative speech which that right hon. Gentleman made on a former occasion in defence of this privilege, which he was now, as he (Mr. Hume) inferred, about to give up, in—the right hon. Baronet must allow him to say—a most dastardly manner. The House would, however, no doubt, hear from the right hon. Gentleman the reasons why he had changed his opinions on this question. If he remembered rightly, the right hon. Baronet, on the occasion alluded to, recommended the committal of the individuals: for consistency's sake, therefore, he hoped the right hon. Baronet would state his reasons for adopting the present course. The course taken by the right hon. and learned Gentleman who had spoken so strongly on the one side, while he appeared to be about to vote on the other, had also struck him with much surprise. After having so ably demolished the argument of the noble Lord, he expected nothing less from the right hon. Gentleman than a demolition of his motion also; but a more tame and milk-and-water conclusion he had never heard. He expected that, at least, the right hon. and learned Gentleman would have moved an amendment affirming the privileges of the House. According to the decision of the Court of Queen's Bench, if the House acquiesced in it, if a witness, for refusing to give evidence, or any other cause, was committed to Newgate, the Court of Queen's Bench would have the power to pronounce upon the exercise of its privileges by that House. Every court in the kingdom had the power of maintaining its own privileges; and surely the House of Commons—the highest of all—should have the same power, or the evil effects to the interests of the people would be most serious. The hon. Gentleman concluded by seconding the amendment.

Sir *Robert Peel*, even had he not been so directly appealed to by the hon. Member, would have felt it necessary to give his opinion on this question to-night, because he did not shrink from maintaining the opinion he had given in committee. He had advised the committee to the best of his power, and he should advise the House to the best of his power, and without any of that apprehension of the consequences which some hon. Members had shown. The hon. Gentleman had challenged him to prove, that his present course was not inconsistent with his recorded opinions. On the 30th of May, 1837, he (Sir Robert Peel) was a party to the following resolutions then agreed to by the House:—

"That the power of publishing such of its reports, votes, and proceedings, as it shall be necessary, or conducive to the public interests, is an essential incident to the constitutional functions of Parliament, more especially of this House, as the representative portion of it. That, by the law and privilege of Parliament, this House has the sole and exclusive jurisdiction to determine upon the existence and extent of its privileges, and that the institution or prosecution of any action, suit, or other proceeding for the purpose of bringing them into discussion or decision before any court or tribunal elsewhere than in Parliament, is a high breach of such privilege, and renders all parties concerned therein amenable to its just displeasure, and to the punishment consequent thereon. That, for any court or tribunal to assume to decide upon matters of privilege inconsistent with the determination of either House of Parliament thereon, is contrary to the law of Parliament, and is a breach and contempt of the privileges of Parliament."

These were the resolutions agreed to by the House. Shortly afterwards, the hon. and learned the Attorney-general brought the subject of the petition of the printers under the attention of the House, and what were the opinions then given. [Mr. *O'Connell*: Hear.] It was very well for the hon. and learned Gentleman to exclaim "Hear, hear!" but what was the course that he then pursued, and what was the language then used? He agreed to the appeal then made; and he then stated that they could so far make a very favourable case, and that they should stop short as regarded further proceedings. This was the opinion that he then gave. He had not heard without great regret, the opinion of the Attorney-general, that it was advisable, on account of the technical and legal difficulties which would accompany any other course of proceeding, to direct the servants of this House to plead to the actions that had been brought against them. He had hoped that this House possessed sufficient power to vindicate, by its own exclusive authority, without the aid or recognition of any extrinsic jurisdiction, their privileges, which are absolutely essential to the performance of its proper functions, and even to its existence as an independent branch of the Legislature. He was aware of the precedent for pleading furnished by the case of Burdett *v.* Abbott; but as the result of the proceedings in that case was a distinct confirmation, by the highest judicial authority, of the exclusive right of the House of Commons to judge and decide in matters of privilege, he had hoped that that precedent rather supplied a reason for the assumption by the House of Commons of the jurisdiction which it admitted to exist, than a rule for the repetition of the course which was then followed. These objections were made by him at the commencement of his speech, and he found that, at the conclusion of it, he made the following remarks:—

> "By the course recommended by the Attorney-general, that they, by the instruction to their officers to plead, virtually submitted a decision on their privileges to a court, the head of which had already given an adverse decision with regard to them. If that decision be confirmed, their next step would be an appeal to the House of Lords; and thus the transfer to a co-ordinate branch of the Legislature of that exclusive jurisdiction to which they laid claim for themselves in matters of privilege. He had every confidence that justice would be done according to the law and constitution of the country; but, believing that the privilege of free publication was essential to the proper discharge of their functions, he could not, without anxiety, see it made the subject of litigation.*

Several Gentlemen expressed their opinions on this subject, and there was a considerable difference of opinion as to the course which it was most advisable to pursue. Among others, the noble Lord, (John Russell), after stating that he agreed in most of the arguments advanced by him, stated that

> "He did not agree with him in thinking, that they should not allow the parties to plead; he added, that he did not think that, by so doing, the House would thereby be surrendering the power and authority which, in the second resolution, it claimed the right to exert."†

On that occasion, he was supported in the view that he had taken by several hon. Members, and, amongst others, by a high authority. He alluded to the hon. Gentleman who spoke last, who had now charged him with inconsistency, and with not having pointed out the results that were likely to follow the course they were then about to take. He had not only done so, but it was also clear that the hon. Gentleman himself had seen before him all that was likely to follow, for he thus concluded his speech in such peculiar language and phraseology, as he did not attempt to rival him in. The hon. Member then said,

> "The truth was, that this was an attempt to drag them through the mud in a very unpleasant manner."‡

Here then it appeared, that the hon. Member, having been dragged through the mud, now came forward, and shook his muddy locks at him, and asked,

> "Why did you not tell us of the probable result, as you state that you anticipated what would follow, if the steps were taken that had been pursued?"

Again, the hon. and learned Member for Newark, who had drawn up an able report on this subject, and who had been a most consistent supporter of the view that he had taken of the subject, said:—

> "To revert, however, to the question, what would be the position of the House if the plea were overruled. His opinion was, that the House would be placed in a situation of the greatest difficulty. If the Attorney-general appeared in the case, and argued the matter on the part of the House, undoubtedly it would be something like a submission. All the courts were bound to acknowledge the privileges of that House; but if the case were argued before the Court of Queen's Bench, the court might determine against the House. He would recommend the Attorney-general, therefore, not to argue the question, but to submit it to the court, and ask for judgment. If the court pronounced judgment against the resolution, then this House should take up its proper ground, and honourable Members who would not stand boldly forward in defence of their privileges, could not stand up for any other. Honourable Members should be enabled to leave to their successors the privileges which they themselves had a right to enjoy."*

He thought that it would have been infinitely better, if they had acted on their resolution, and committed the first person who had infringed the privilege of that House. Another course that they could have pursued was that defended by his hon. Friend the Member for Oxford, and other hon. Gentlemen. The third course was that recommended by the hon. and learned the Attorney-general, and which had been followed. They did plead, or allowed their officer to plead, and all the points of that plea had been overruled by the court, and the decision had been against them. And what would be the state of public opinion on the subject? The public opinion would be, that they had asked the Court of Queen's Bench to give its decision on this question, involving these privileges:—that the House would have availed itself of that decision, if it had been favourable to its views; but now that it was against them, if they took the course that was recommended by the right hon. and learned Gentleman, it would be said, that having submitted your case to the court, you would have availed yourselves of the judgment, had it been in unison with your opinions, but as it was adverse, you refuse to abide by it. Instead of holding the court and tribunal guilty of contempt, that had given this decision, and to which the House had allowed the appeal, it was proposed to proceed against the ministerial officer, who was to be placed in this anomalous situation—that if he levied in conformity with the decision of the court, that House would commit him for a breach of its privileges; and if he obeyed that House, and did not levy, the Court of Queen's Bench would commit him for disobedience. It would be more consistent with the boldness of proceeding which had been recommended, if they held that the court and tribunal had been guilty of contempt, and to commit them if they persisted, instead of proceeding against the ministerial officer, who was bound to obey the orders and decisions of the court. It was a bad and dangerous example, to set to direct the ministerial officer not to obey the law of the land. What was the course that the House had pursued? It submitted to the tribunal; the House had the power of stopping the proceedings at once, by telling the individual who was plaintiff in the cause, that he had no right to go to any other tribunal than that House, as it was the only judge of matters involving its privileges, and that if he persisted, he would be committed for contempt. The House, however, allowed and instructed its officer to plead, and directed counsel to appear for him before the court. The Attorney-general appeared and argued the case, for three days, in the most able manner. You allowed the court to consider the case, and to believe that you submitted the matter to its decision, and that you was a willing party before it; and, in confirmation of this view of the case, he would ask, how did the Attorney-general conclude his speech to the court? Why, in a manner to confirm such an opinion in the minds of the judges. The hon. and learned Gentleman concluded in these words: "My Lords, for these reasons, I pray judgment for the defendants." It was proposed, however, that the officer who acted for the sheriff of London should be committed if he levied the execution. Was this the proper step to take after the course the House had allowed to be pursued? As regarded his opinion on the subject matter under consideration, he had no hesitation in saying, that he believed that its privileges were essential to the usefulness of Parliament, and he did not think that they could sit with honour or advantage to the country for a single evening without them. If they might be questioned in the Court of Queen's Bench, there was nothing to prevent their being questioned in every subordinate court of judicature in the empire. If they allowed it to be supposed that any court could determine on what occasions their privileges were justly exercised, they only held their privileges by sufferance, and they had better attempt to suspend the exercise of their privileges than attempt to exercise them at all. He trusted that it would not be supposed that he would hesitate to give his opinion on this subject, or that he was not prepared hereafter to take the necessary steps for vindicating the privileges of that House, but he would not mix up that question with another totally separate and distinct, and encumber it with an act of injustice to an individual. They should also consider whether they presented the best ground in thus refusing their submission to the decision of a court of law, to which they had apparently presented their case for decision. The report stated that it was the duty of the committee to submit a practical question to the House, of which the decision could not be postponed, and that they had not yet prepared a full and complete report on the subject. It would be some time before this report was ready, but what was the situation in which the House had placed itself? He believed, that out of the House, nine men out of ten were under the impression that the House of Commons had opened a shop for the sale of Parliamentary papers, and that this proceeding arose out of that circumstance. It might appear to be equally open to objection in public opinion to give permission to open a place for the sale of those papers, as having directly done so themselves. Whether this had misled the public mind or not, he would not say. The question, however, was whether, in the present imperfect state of information, and notwithstanding the feeling which he thought prevailed on the subject, it would be wise and expedient for them to direct the sheriff not to enforce his writ and execution in this case. If the House determined on resistance—if it determined that the process of the court should not be executed—if they pursued this course, did they not decide practically on all the points of the case, and even on those on which the public mind was not prepared for such a decision? If a similar case occurred to-morrow, he would recommend that the House should deal with it without hesitation, and determine that, as a case involving its privileges, it should not be submitted to a court of judicature. In such a case there would be a proper exercise of the authority of the House of Commons when it committed for contempt. Such an opinion was laid down by Mr. Justice Littledale in his judgment, and it strongly confirmed the view which he originally took of the subject—namely, that if they did not resist the proceedings in the first instance, they would find great difficulty in doing so after they had allowed their officer to plead to the action. The learned judge says,

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* Hansard, Vol. xxxviii. Third Series p. 1281.

† Ibid. p. 1283.

‡ Ibid. p. 1296.

* Hansard, Vol. xxxviii. Third Series, p. 1302.

> "There is no doubt about the right as exercised by the two Houses of Parliament with regard to contempt or insult offered to the House, either within or without their walls; there is no doubt, either, as to the freedom of their Members from arrest, nor of their right to summon witnesses, to require the production of papers and records, and the right of printing documents for the use of the members of the constitutional body, and as to every other thing which may appear to be necessary to carry on and conduct the great and important functions of their charge."

He would, therefore, say, do not disregard public opinion on this or other similar constitutional subjects, but take care that, in your proceeding, you have that most powerful sanction. The hon. Gentleman who moved the amendment said, that he was satisfied that any person who was at all acquainted with the subject, and that all classes of society would coincide with them in an attempt to vindicate and maintain the privileges of that House. He did not think that the proceeding which the hon. Gentleman had proposed was the right mode to be adopted. It was, however, of immense importance that any erroneous impression that had been produced on the public mind should be removed, and that it might be shown that the maintenance of the right was essential for the public welfare. He should be sorry if they persisted in calling the sheriff of London before them, and committing him, as they would be bound to do; for they might depend upon it, that, next week, they would have to call the judges of the Queen's Bench to their bar. He would, however, proceed with the opinion of Mr. Justice Littledale:—

> "In the case of commitments for contempt, there is no doubt but the House is the sole judge whether it is a contempt or not, and the courts of common law will not inquire into it. The greater part of these decisions and dicta, where the judges have said, that the Houses of Parliament are the sole judges of their own privileges, have been when the question has arisen upon commitments for contempt, and as to which, as I have before remarked, no doubt can be entertained. But not only the two Houses of Parliament, but every court in Westminster Hall, are themselves the sole judges whether it be a contempt or not; although, in cases where the court did not profess to commit for a contempt, but for some matter which, by no reasonable intendment, could be considered as a contempt of the court commiting, but a ground of commitment palpably and evidently unjust, and contrary to law and natural justice. Lord Ellenborough says, that in case of such a commitment, if it should ever occur (but which he says he could not possibly anticipate as one likely to occur), the court must look at it and act upon it as justice may require, from whatever court it may profess to have proceeded."

Was this opinion shared by the other judges? The House might, he thought, reasonably rely on this being the case. He should, therefore, prefer fighting the battle as an original question of contempt; and if, for the future, any proceedings were taken in consequence of any publication, that they should not allow their officer to plead. On these grounds he cordially concurred in the motion which had been proposed by the noble Lord. He could not agree in advising them to commit the sheriff—he could not advise any further application to the court—he could not advise an appeal to the Exchequer Chamber or to the other House—he thought, that the better course would be, as they had gone so far, was to acknowledge the proceedings that had occurred, and allow in this instance their officer to submit to the sentence. He could not go further until he saw clearly the steps that it would be necessary to take. He knew that a number of actions stood at their door for the proceedings that it was essential for them to take, but he thought that they could rely for the future on their resolutions, and on the *dicta* of the judges, as to the jurisdiction of the House. This was the course open to them, and was the best in his opinion, that could be pursued. The noble Lord said, that he should propose that the House should pledge itself to the consideration of the subject at the earliest period, and to take such steps as to prevent a recurrence of a similar proceeding to the present. In the balance, therefore, of inconveniency, and looking to the apparent submission of the court, he thought that it would be wiser to submit to the court in this instance, and to take steps to prevent for the future any matter of the kind coming under the decision of the Court of Queen's Bench or any other court. They should also take care to show to the country that the maintenance of their privileges was absolutely essential to their existence, and to the discharge of their functions as the representatives of the Commons of England. With these feelings he would only add, that it would be absolutely necessary within a very few weeks to determine how they should proceed, and what steps it was expedient to take.

The *Attorney-General* felt very strongly the truth of the observation made by his noble Friend, the Secretary for the Home Department, that this was not a Government question, nor was it a party question, for the privileges of the Commons of England were involved in it, and they had but one common duty to perform, namely—to assert their privileges, for the benefit of their constituents and for those who should come after them. He felt called upon to state the reasons why he felt bound to differ from his noble Friend and the right hon. Gentleman. It was his opinion, that this was the time for the House to take its stand; and if they did not now do so, he had no hesitation in saying, that their privileges were for ever gone. This was no party feeling; for, in the divisions that had taken place in the committee, he was supported in the view that he had taken of the subject by his right hon. Friend the Member for Montgomeryshire (Mr. C. Wynn), and by the hon. Baronet, the Member for Stamford, (Sir G. Clerk), and by other Members who sat on the opposite side of the House, and when they came to the division that night, he trusted that it would prove no party question. In the first place he must observe that the on. Baronet the Member for the University of Oxford, was quite consistent in the course that he had pursued, for from the premises which the hon. Member had laid down throughout these discussions he had come to a just conclusion on the subject. The hon. Baronet thought, that the House possessed no such privileges, and that this was a just and right decision of the Court of Queen's Bench. If these premises were admitted, it would have been a case of monstrous injustice to have resisted the payment of damages awarded by the court. It would, however, as the case stood, be a bad and dangerous example for the Commons of England to remain silent or passive on this matter. He thought, therefore, that he was bound, as a representative of the people, boldly to give his opinion on this subject. He found, that his noble Friend said, that these privileges of the House of Commons were essential to its usefulness, and that without these privileges the House of Commons could not discharge or exercise its functions with advantage to the nation; and when he found that the right hon. Baronet agreed in this opinion, and that their privileges had been set aside by the judgment of the Court of Queen's Bench, he could not help feeling that the conclusions that had been arrived at were most erroneous. If there were privileges of the House, and those privileges had been invaded, and as no other plan had been pointed out by which those privileges could be vindicated, he thought that the judgment that had been given should not be acquiesced in. His noble Friend had said, that what was unjust was inexpedient and wrong, but he now proposed to abide by this decision. If, then, Mr. John Joseph Stockdale by a rightful judgment was entitled to 100*l.* for damages, the House would act most improperly by seeking to deprive him of that sum. But his noble Friend said, that the judgment was wrong, and that it was a flagrant usurpation on the part of the Court of Queen's Bench to annul the privileges of the Commons of England, and therefore, he concluded, it was now the duty of the House to resist this judgment which was contrary to law. He repeated if this was an unlawful judgment it should be resisted by all possible means, and his noble Friend said, that by the constitution of England they were justified and bound to maintain their rights and privileges, and in a resolution he at any rate made use of the expression—they had repeatedly made use of these rights and privileges, and he could only say, that if they did not possess them, they would be in a most deplorable condition. But not only these privileges, but every privilege that they possessed might be over-ruled on the same ground, if they submitted in this case; and this was admitted by his noble Friend, and by the right hon. Baronet. What was become of their privilege of freedom from arrest? What was to become of their privilege of summoning witnesses to their bar, and of calling for the production of papers and records, and of committing persons from the bar of the House? But suppose the judges of the Court of Queen's Bench to say, you can punish persons for breaches of privilege in proper cases, but we must determine what are proper cases. Now suppose the case of a person committed for equivocation at the bar and who brings his action; suppose a plea to be put in, which plea is over-ruled, and the Sergeant at Arms is called upon to pay damages. Such might have been the result in the case of Sir F. Burdett v. Abbott, if judgment had been given for the plaintiff. If the plea then put in had been over-ruled, and they had allowed the case to go to the Sheriff's Court to estimate, instead of the amount being, as in the present instance, only 100*l.*, it would probably have been 5,000*l.* Would the House have allowed these damages to be paid? Would they have allowed their mace to have been seized and taken in execution in that case? That was an action against the Speaker of that House, and supposing an adverse judgment had been given by the court, would the House have allowed the sheriff to have entered that House, and seize the mace, which would indeed have become a bauble in such a case? Would it have allowed the sheriff to have seized the Speaker's chairs and tables and other furniture, in liquidation of such damages? The House would have given the sheriff of Middlesex orders not to levy such execution, and if he did they would have committed him. Why was a distinction now drawn between the two cases? His noble Friend and the right hon. Baronet both said, that in this case their privileges had been improperly annulled by the Court of Queen's Bench. The right hon. Baronet said, that he regretted, that the Attorney-general had been allowed to appear in the case, and that the order of the House for him to put in a plea for the defendant had led to the ulterior inconvenience. The right hon. Baronet also said, that he would not advise an appeal to the Exchequer Chamber; he would not advise a declaratory law, or an enacting law on the subject. To be consistent, then, in the view that he had taken of the case, he should have advocated the course which was recommended by his hon. and learned Friend, the Member for Newark, and his hon. Friend, the Member for Bridport. The right hon. Member for Tamworth, however, took this line of argument, "You need not have appeared to the case; you might have resisted in the first instance; but it is too late to do so now." The right hon. Baronet was under a very great delusion on the subject when he used such an argument; as there could be no possible ground of complaint, nor could the case be made worse by putting in a plea in either case. What had the right hon. Gentleman said on the subject of public opinion? He said, that they could not carry public opinion in their favour by committing the sheriff to custody. Now, it was important for them to consider whether they would have had public opinion in their favour if they had pursued the course recommended by the right hon. Gentleman. In the first instance, could they have committed with effect Mr. Stockdale? What was the course pursued in the case of Sir F. Burdett? The House gave orders, that a plea should be put in; and the public would have made its own remarks, and would not have supported the House with its opinion if they had not allowed the Speaker to plead to the action. They would have asked, why should not the same course be pursued in the present crisis? Would not the public have said, that they did not place the same confidence in the Court of Queen's Bench and the other courts of justice as their predecessors had done. But if they had not entered an appearance in this case, and filed a plea in answer to the declaration, judgment would have gone by default. If they wished to stop the action at the commencement, it was not by committing the plaintiff, as he still might have gone on with his case; and if a plea had not been entered, a judgment would have been obtained as a matter of course. The right hon. Gentleman, in support of his opinion, had quoted a passage from the judgment of Mr. Justice Littledale, to the effect, that there was no doubt as to the House being sole judge in cases of contempt; but if the cases were allowed to be submitted to the courts of common law, then the case became different; but Lord Durham showed, that he entertained directly the opposite opinion in the cases of the King *v.* Patys and the King *v.* Curry. He thought, that they were in a favourable situation by having adopted every mode of avoiding a collision, and by applying to the Court of Queen's Bench, in expectation of that court respecting the privileges of the House. In confirmation of this opinion, he would refer to what took place in the convention Parliament, when Chief Justice Pemberton and Mr. Justice Jones were brought to the bar for the unrighteous decision which they gave; and they declared, that if the House had pleaded at bar, instead of pursuing the course that they did, that they would have given a different decision in the matter. The mistake was in the terms of the plea. If they had pleaded in bar they would have decided in their favour, for God forbid that they should decide against the powers of the House of Commons. Suppose that the case had terminated the other way—that there had been judgment for the defendant—would not every Member of the House have rejoiced at the line of conduct which had been pursued? Supposing also that Mr. Stockdale had been committed, he would have applied for a habeas corpus; and if he had remained in prison, still the action would have continued, and a writ to levy damages would have issued, and it would have been for the House to say whether it should have been admitted or resisted. The difficulty was unexpected, and why? Because it was unexpected that a court of common law would have taken upon itself to overrule the decision of the House. It was a circumstance which the constitution had not anticipated, and for which no remedy had been provided. Since Westminster-hall had existed, with the exception of those infamous judgments in the King *v.* Williams, and Day *v.* Topham, which had disgraced the reigns of Charles 2nd and James 2nd, the judges had uniformly respected the privileges of the House. He was bound to say, then, and to say conscientiously, that in his firm opinion the decision in Stockdale *v.* Hansard was totally contrary to law, and that it involved a usurpation of the privileges of the House of Commons, and a flagrant usurpation of power by the Court of Queen's Bench. As to the question of their having submitted their privileges to the court by their pleading to the action, he would suggest this case:—Suppose a Member of the House to have been committed for words spoken in his place in the House, and that he were to bring an action for assault and false imprisonment. The Speaker (for against him the action would be brought), would be obliged to plead, and the court would then have jurisdiction. The Speaker might plead, that the Member had been voted to have been guilty of a breach of privilege by reason of words spoken, and that he was, therefore, committed to the Tower; there would be a demurrer to the plea, and the defendant must join in demurrer; but should it be said, that in that case, because they were so far compelled to submit themselves to the Court of Queen's Bench, they therefore gave up all power and control over Members of that House? The two cases were identical, because there must be an appearance entered by the defendant, a plea, demurrer, and rejoinder in demurrer; and if judgment were given against the defendant in that action, would the right hon. Baronet opposite say, "Now, the next time I certainly will not submit, but now we have pleaded, and the judges of the Court of Queen's Bench are in the nature of arbitrators. We have submitted to their arbitration, and it would be ungracious for us, after that, not to submit to their jurisdiction." He begged to say, however, that it was a mere fallacy to say, that because a party pleaded the authority of any body to do any act, there was a submission to the tribunal before which the plea was pleaded of the whole authority of that body. If the law were admitted to be so, it might be that the defendant might justify under an Act of Parliament, and it might as well be said that by that course he would submit to the court, whether the two Houses of Parliament had any right to legislate in this land. Thus, what was to be done? He concurred with the right hon. Baronet in one point, and thought that they could not recede from their own act with propriety. He might hope that the judgment of the Court of Queen's Bench might be reversed; but he could not recommend the adoption of any course attended with so much peril; for by bringing a writ of error they would at once, by what then became their own voluntary act, submit themselves entirely to the jurisdiction of the court. What was the next course which had been suggested? It had been said, that a declaratory act might be passed. He agreed with the right hon. Baronet, however, that such a proceeding would be highly inexpedient, because he took the law to be abundantly clear already; and, besides, even if they were to carry such a measure through this House, he knew not what reception it might meet with elsewhere. There was this other strong objection to it, however, that if the House were by such a proceeding to admit the jurisdiction of the court, they could not afterwards say that the judgment of the court was illegal. The next suggestion was, that an enabling act might be adopted; but he considered that that would be still more objectionable and still more humiliating, because they would be acquiescing in the judgment of the Court of Queen's Bench, that they had no such privileges as they contended for, except such as that court chose to allow—that was to say, that that court were to be the judges of all their privileges. The present judges said, that the House might examine witnesses and do various other acts, and that its Members were free from arrest, but he knew not what their successors might be disposed to decide; for the predecessors of the existing court had declared that Parliament alone had the power of inquiring into and of deciding upon their own privileges. If, therefore, the present judgment were admitted, it was impossible to say where the current which ran against them might stop. What was then to be done? It was said, that the next time any such action was brought, the House would commit the plaintiff; but even, if that course were to be pursued, the action might still be continued according to law. What was to become of the damages in the present case? If they were to be paid, he supposed that they would not be paid out of Mr. Hansard's pocket, and he expected that he should find it as an item in the miscellaneous estimates. There would, then, be a vote to pay the damages; they would then acquiesce in the judgment of the court, and the next time that any action of this description was brought they would commit the plaintiff. But suppose that they were to do so, they would not stop the action. Whether they pleaded or not, there would be judgment against them. There would be an assessment of damages, and they would be called upon to say whether they should be paid; and he begged to ask most respectfully, how they would be in a better situation upon the execution of that judgment than they now were? He said, that they would be in a worse position, because they would have a judgment against them in which they had acquiesced. He felt, that the other course recommended by the hon. Member for Newark was also full of difficulty. He owned, that his mind had vacillated upon the subject, and while he thought, that there was any other course which could be adopted or recommended, he would never recommend that either of those modes of proceeding should be determined upon. He saw, however, that the House, by pursuing the course proposed by the right hon. Baronet, would place itself in a position of as much difficulty and of as much danger as they were now placed in. They would have public opinion strongly against them, and the resistance which they would offer would only be after having acquiesced in the decision of the court by their own act. There were those who said, that this was a necessary privilege of the House, and that the judgment of the Court of Queen's Bench was improperly given, and who thought, that Mr. Stockdale ought not to have obtained these damages, and ought not to have put the money into his pocket; that it was contrary to law; and that if the Queen's Bench had issued an order to levy the damages, it was issuing an illegal order; and that, therefore, they were bound to believe, that the law had been violated by the Court of Queen's Bench. This was most undoubtedly a serious crisis in which they were involved. He would not make any observation which would be in the least degree disagreeable to the Court of Queen's Bench, for he had a most profound respect, and the greatest regard and esteem, for all the judges of that court; but he must say, in vindication of the rights and privileges of this House, that this crisis had not been produced by any act of their own; but now, not only had the Queen's Bench declared, that the privileges of the House might be usurped, but that they had a right to assail the privileges of the House. Mr. Justice Patteson, above all others, laid down the rule, that if a declaration disclosed any circumstance over which the court had jurisdiction, although it should appear, that the act was done by the authority of either House of Parliament, the court had a right to be judges of the privileges of that House. This was a most alarming dictum. The constitution had provided no specific remedy for such an evil; but he thought, that the least difficulty now would be, the determination that some plan ought to be adopted. There was one point on which he thought objections might fairly be raised, and he thought, that upon this the community at large would take part with the House of Commons, and say, that it was for their own advantage, that the judgment should be opposed. The court said, that they might print 658 copies of any work, or report, or document, which they pleased, for the use of the Members of that House, and that it should be lawful to do so, and that any ill effect which arose from such a course would be *damnum absque injuriâ;* but was not any injury so conveyed as likely to prove dangerous to the person, against whom the imputation was conveyed, as if it were produced by the general publication of the work. Who, however, was the hero upon that occasion—who was the asserter of the rights of the public against that House? He was no other than the author—the publisher of the "Memoirs of Harriette Wilson," a work so bad in itself, that when an action at law was brought against him in reference to it, he pleaded his own infamy, and alleged that the work was so immoral, that the contract which was alleged could not be supported, and the plaintiff must fail in his action. The jury in that case, on the view of the book and of the infamous prints in it, found a verdict for the defendant, on the ground, that it was an obscene publication, and calculated to injure the morals of the country. He asked then, whether it were likely, that they could ever enter upon this subject under circumstances in which they could calculate upon public opinion being with them? It appeared to him, that the time had arrived when they ought to assert their rights. He had thought it his duty to come forward upon this occasion. He had looked round and round, and most anxiously so, to point out any other course which could be adopted, but he could find none better than that suggested by the amendment which had been moved, for which therefore he should give his vote.

Mr. *Pemberton* stated, that the course which the hon. and learned Gentleman (the Attorney General) had taken upon this subject had been most inconsistent, for, from the very first day in which he had declared his opinion in the committee to the last, he had insisted again and again, that, adopt what course they might—let them pass a declaratory Act or an enabling Act—there was, nevertheless, one course they ought at all events to discard as not worthy of consideration. "What!" said the hon. and learned asserter of the privileges of Parliament, "will you submit the question to the decision of the judges, argue it for three whole days at their bar, and consent to take the chance of their judgment in your favour? Can you do all this, and then can you—in common decency can you—turn round upon them, and tell the people of England that you have consented to abide by this chance; that you do not complain of the damages awarded against you being excessive, but that you do complain that the judgment of the court is against you?" Had the hon. and learned Gentleman, he asked, from first to last expressed until that night any other opinion than this? He and others who were of his opinion, had voted for the resolutions of 1837, because they asserted, that a prosecution against an officer of that House, for the publication of its papers under its own order was contrary to law, and a breach of the privileges of that House; they supported those resolutions for the very purpose of bringing them to the test, and defying the power which it was now sought to be assumed. They were now ready, as they ever had been, to concur in any measure the House might consider necessary for the purpose of conferring on it the power, which he contended they had not by any privilege they possessed, or any means of enforcing any privilege they possessed, of protecting all persons acting under them from criminal or other proceedings in courts of justice. The hon. and learned Gentleman opposite, had been leading them through this case for the last two years, and now that it had terminated, they were at the very opposite points of the compass. They were now asked to try another road, but were those who proposed it, certain that it would lead to a different result from that which they had already arrived at? He apprehended not; the question now only was, whether they could in the present state of the proceedings, with common justice or common decency interfere to prevent the execution of the writ; and if they did attempt it, could they by possibility succeed? Let the House observe in what manner, and in what manner alone, they could interfere. There was no course open to them but the vindictive one of committing the party to prison, and that they could not do without justifying such a step by some reasonable grounds. Mr. Stockdale had complained of a libel having been published by an officer of the House of Commons, and had brought an action against him. Did the House of Commons appear in that action? He would ask those Gentlemen who were insisting that the judges had decided directly against the privileges of the House of Commons, whether the Attorney-general had not been distinctly instructed by the House itself to appear for the defendants in that action, and to call for the judgment of the Court in their favour? The hon. and learned Gentleman had put in a plea that the publication was justified because it was under the Order of the House of Commons. And here he would take the liberty of requesting the attention of hon. Members to a circumstance of no little importance, and to which he had referred in the committee—namely, the misstatement of the date of their own resolution. The very resolution of the House of Commons, which stated that the publication of their proceedings was essentially incidental to the functions of Parliament, and especially of the House of Commons, that very resolution which, it had been stated, was twelve months antecedent to the date of the action, was not passed till twelve days after the action. That was a very important error, an error which he was sure no one would attempt to defend by saying, that they ought to meet such a case by an *ex post facto* proceeding. The Attorney-general admitted the insufficiency of that resolution, and thereupon both parties called for judgment. Where, then, was the act of contempt, and who had been guilty of it? Was it the judges, or the counsel, or the jury, or the sheriff? And if no party had been guilty of contempt, if you assented to the prosecution and conduct of the action, if you met the party in a court of law, and there contested the question with him, could yon in common decency attempt to interfere and arrest the progress of the decision which had been had in that court, rob the plaintiff of its fruits, and expose him to all costs which had been incurred in a prosecution, which you had invited him to continue? If you had had judgment in your favour, the costs would consequently have fallen on the plaintiff in the action; but it turned out otherwise; the plaintiff had obtained judgment, he now called for the fruits of it, and yet you proposed to interfere and supersede the law of the land, which in this case you had distinctly invoked. He would ask, how any man could with common decency put forth such a case as that to the people of England? Was there any one who could believe that the people of England would do otherwise than cry shame upon the House of Commons for such an enormous outrage? In what position would it place you? You first endeavour to obtain judgment by fair means; then, like the fraudulent gamester who first took his chance of the die, and afterwards tried to evade the just payment of the debt by bluster and intimidation, you endeavour to deprive the successful party of the fruits of the result by an unjust and arbitrary proceeding. The hon. Member for Bridport it was, he believed, who had called upon the House to vindicate the resolutions of 1837. But had the Attorney-general made that call? He had not; he doubtless would not; and he would prove from the hon. and learned Gentleman's own argument and admission, that he distinctly abandoned that part of the resolutions of the committee of 1837 which states—

> "Your committee having considered the subject of Parliamentary privilege and the jurisdiction of this House to determine the extent of its own privileges, submit as their opinion that by the law and usage of Parliament, the House of Commons does possess an exclusive jurisdiction, and that it is a breach of its privileges to bring them into discussion for decision before any other tribunal directly or incidentally, and that such breach of privilege subjects the parties to punishment by this House."

Now, he would ask, was there a lawyer in the House, not excepting the Attorney-general, who was prepared to stand by that resolution, or say it should be enforced? He believed there was not. The next resolution was similar in substance, and stated generally that the action brought against Messrs. Hansard was a breach of the privileges of that House. But he begged the attention of the hon. Member for Newark to pages 15 and 16 of the report of the proceedings in this case, and having read them, to say whether it was not distinctly admitted by the Attorney-general that it was no breach of privilege to discuss any question of privilege that came "incidentally" before a tribunal. Having stated that this question arose incidentally, he stated in the next page—

> "Where it arises incidentally, it is perhaps necessary that the Court, resorting to the best means of information it can possess, should decide the question."

And yet the resolution which he had read to the House, and which they were called upon to vindicate, distinctly asserted that any such proceeding was a violation of the privileges of the House of Commons, and deserved to be punished. His hon. and learned Friend the Attorney-general said, that the judgment was erroneous; but if he dared not dispute its legality, upon what pretence could he resist the execution of it? What advantage would they gain by doing so? They might threaten to commit the sheriff; but what would be the result? Would it prevent the execution of the writ? No, for if the sheriff disobeyed the Queen's Bench, the writ would be executed by others, while the sheriff would be liable to be committed for contempt of the Court of Queen's Bench, and also to an action from the plaintiff for refusing to levy the damages which had been awarded him. Again, what would be the consequence of an attempt to commit the sheriff in case he proceeded to obey the Court of Queen's Bench? Did they suppose that the Court of Queen's Bench would allow its officer to be thrown into prison at their instance? He was persuaded, if they did suppose any such thing, that they would find themselves greatly mistaken. He was persuaded, moreover, that the people of England would not tamely stand by and see the authority of the courts of justice set at nought, and the laws subverted. He was convinced, too, that the House of Lords would interfere. Would they venture to commit the judges? Would they venture to commit Lord Denman? No; they flinched from such a consideration, and why? Because they knew they dared not do so—that they could not do so in point of law, and that the people would not quietly stand by if they attempted it. The stones of Westminster would cry out against such an arbitrary exercise of power under the name of privilege. They were told that it was a breach of the privileges of the House of Commons, for a court of justice to decide a question relating to the privileges of the House contrary to its own determination. The same authority, however, told them that their privilege was not the privilege of the House of Commons, but the privilege of Parliament—the same in both Houses. Then he had to inquire, whether it was or was not an infraction of the privileges of Parliament to bring an action in a court of justice. The House of Commons, in 1703, had resolved, just as they had recently resolved—on the 26th of January, 1703, the House of Commons passed the following resolution:—

> "That whosoever shall presume to commence or prosecute any action, indictment, or information, which shall bring the right of the electors, or persons elected to serve in Parliament, to the determination of any other jurisdiction than that of the House of Commons (except in cases specially provided for by Act of Parliament), such person and persons, and all attornies, solicitors, counsellors, and serjeants-at-law, soliciting, prosecuting, or pleading in any such case, are guilty of a high breach of the privileges of this House."

The present House of Commons had come to a resolution which could be rendered similar to this by substituting the word "action" for "libel," for those referring to the right of electors in the resolution he had just read. But what, let him ask, had the House of Lords done at the same period? On the 27th of March, 1704, they came to this resolution:—

> "That the declaring Matthew Ashley guilty of a breach of privilege of the House of Commons, for prosecuting an action against the constables of Aylesbury, for not receiving his vote at an election, after he had, in the known and proper method of law, obtained a judgment in Parliament for the recovery of his damages, is an unprecedented attempt upon the judicature of Parliament, and is, in effect, to subject the laws of England to the votes of the House of Commons; that the deterring

electors from prosecuting actions in the ordinary courts of law, when they are deprived of their right of voting, and terrifying attornies, solicitors, counsellors, and serjeants-at-law, from soliciting, prosecuting, and pleading in such cases, by voting their doing so to be a breach of the privileges of the House of Commons, is a manifest assuming a power to control the law, to hinder the course of justice, and subject the property of Englishmen to the arbitrary votes of the House of Commons."

Looking to the resolutions so frequently referred to in the course of the present discussion, he found them diametrically opposed to each other, and would any one in that House tell him that the courts of law must take the determinations of one of the Houses of Parliament as a sole and infallible guide? It really would seem that Stockdale was the only party by whom a breach of privilege had been committed. The absurdity lay in this, that the House did not attempt to punish him. The House appeared quite disposed to deal out a severe measure of punishment against the counsel, against the attorney, and against the judge; but not a word about inflicting any punishment upon Stockdale, who had, if any one had, been guilty of a breach of their privileges. They appeared disposed to punish those who could not, if they would, obey them, who certainly could not obey, for the House had never intimated its wishes or commands. The sheriff of London had solemnly sworn to execute the writs which her Majesty's justices might issue. Could it form a part of the privileges of the House of Commons to punish him for not violating his oath? The Court of Queen's Bench would punish the sheriff for not executing the writs, and would the House of Commons then punish him for executing them? He firmly believed, that there was no part in the civilized world which would not condemn such a course of proceeding. He entreated hon. Members to reflect for a moment upon the state of the country—upon the condition of the disturbed districts; were they prepared to recommend that the House of Commons should stand forth in opposition to the solemn decisions of the judges, and the acknowledged law of the land? There could not be a shadow of doubt, that the resolution of the hon. Member for Bridport ought to be negatived, and he earnestly hoped that it would be negatived. There were questions connected with the subject then before the House, which he should very much desire to abstain from entering upon; but sooner or later the House must grapple with them, though they might not, at the present moment, possess all the information which it was desirable they should possess before they finally proceeded to deal with them. He had heard it suggested by a high authority that they might get over the difficulties with which this matter was surrounded without compromising their dignity, for, though they could not change the law, they might alter the state of public feeling in reference to the question which then occupied their attention. It was clear, that if they referred the question at issue to the decision of any other tribunal, they must admit that they were bound in law by the judgment of that tribunal, whereas if they confined themselves to the simple case before them, and proceeded to alter the order of 1837, much of the embarrassment by which they were surrounded might be removed. The House was in a position in which it might with some prospect of success conciliate public feeling by rescinding an objectionable resolution, and making it evident that they sought for the establishment of privilege barely to the extent that was necessary for promoting the public interest, by the due discharge of the functions of the representatives of the people. But if they proceeded to threaten the counsel and the attornies, he hesitated not to tell them that they must be defeated. They might commit one barrister, but one hundred Members of the profession would start forward to fill his place. Although little disposed to offer himself as a martyr, yet he, for one, would not be backward in discharging the duty which the bar owed to those who had claims upon their services. From the oldest and most eminent Members of the profession, from Sir Charles Wetherell to the junior who was called yesterday, there were thousands who would infinitely rather incur the displeasure and endure the punishments which the House of Commons could inflict, than be exposed for a single hour to the silent scorn which they could not fail to be conscious of deserving, if they shrunk from the discharge of those duties which belonged to them as members of the legal profession. It being so clear as to need no proof, that if the House entered into a contest with the bar, they must be defeated, he desired to know if they were disposed to enter into a conflict with the House of Lords. It was not unworthy of remark, that privilege was only thus maintained when it became subversive of the law of the land. He trusted that the House would not enter upon any course resembling those contests, the possibility of which he had been supposing, for they could not come out of them with anything but discredit. If they succeeded, it must be a triumph over the independence of the judges, and over the law of the land.

Mr. Sergeant *Wilde* said, that although he was very unwilling to take any active part in this discussion, he could not help attempting to contribute, to the utmost of his power, such information as might be necessary for the due consideration of the question. He thought that any one who attempted to offer advice on this occasion, without feeling that it might lead to consequences extremely serious—without feeling that he offered that advice under great responsibility—would render his counsel innoxious, by shewing that he did not duly appreciate the occasion which called it forth. He had bestowed some attention on this subject; but that attention had been bestowed only with the most anxious desire to inform himself of the true conclusion to which he ought to come. And he was now desirous of respectfully submitting to the House, what appeared to him to belong to the question, with the hope and confidence that, if he had formed an erroneous conclusion, it would be corrected by the wisdom of the House. He had been unwilling to rise, because it unfortunately happened, that in matters on which the House had a right to expect information from professional men, their interference was too often an embarrassment to the House, instead of an assistance, by the opposite opinions which they expressed. He must say, that he had been astonished at some of the opinions which his hon. and learned Friend had just expressed, and he could hardly have persuaded himself of the fact, if he had not known his hon. and learned Friend to be a lawyer, and one of eminence in his profession. In offering his sentiments to the House, he must beg first to observe that they were in a situation in which they were compelled to act. He used the word in the largest sense; because, in forbearing to act, they would produce consequences as distinctly as by any affirmative act they could perform. He had only to congratulate the House (feeling, as he did, to the full, the extreme difficulties by which they were surrounded), that the House had no fault to lay to their own charge. The House had not voluntarily embarked in this question. It had been forced upon the House, and to shrink from it would be to abandon their trust in the greatest degree. This was not a case in which the House came forward to claim an exemption or privilege for an individual Member. It passed by the name of privilege; but, in fact, as the judges truly said, it was not a case of privilege. It was a question of the power of the House of Commons, and not of the privileges of its individual members. Between power and privilege there was this distinction: privilege, though given in order that the House might be better able to discharge its duty to the community, necessarily operated to the benefit of individual members; but power was for the public benefit alone, and the power that came in question here was the power of the people of England, exercised by their Representatives in carrying on the great affairs of the country. What were the duties that belonged to them? The country appointed them to inquire into the execution of every department of the state, to ascertain abuses, to apply remedies, and to legislate as the wants and necessities of the State might require. What, then, did their power enable them to do? That was the question on which they were now engaged. They were not contending now for anything by which they themselves could gain. Abuses might be concealed, delinquents escape, and the public suffer by their not possessing this power; but the Members could in no way be benefited by it. What was the situation of the House if, instead of claiming the right of publication, as incident and necessary to the discharge of their duty, they were to adopt a different course? What would be the condition of the country if they determined not to publish. They had petitions complaining of abuses. They had petitions pointing out great occasions for the amendment of the law, or perhaps complaining of official misconduct. Suppose the House to inquire, and the public to demand the result of the inquiry, the answer must be, "The House dare not tell you." The public functionary might be charged with malversation in his office, or possibly a judge with misconduct in the discharge of his duty, but the public must be kept in ignorance, or information rendered to them anonymously of the facts ascertained and reported against him. The observation equally applied to a minister, whom it was the peculiar duty of the House to watch and control. Look at the abuses which the House had exposed, and the alterations they had made in the law. They had abolished the slave-trade; they had corrected the errors and inconveniences which had arisen in the course of time in corporations; they had altered the Poor-laws. He need not detain the House by further enumeration; but how were they to satisfy the country respecting the necessity and efficiency of their legislation? How were they endeavouring to do so, or how could they do so, but by the publication of their reports? Did they want to know what would be the situation of this House if the lawyers of Westminster hall prescribed the limits of their power? Let them read the judgment in the case of Stockdale *v.* Hansard. No public exposure of the grounds of their proceedings would be permitted. They had come to a new era, as it struck him, by this decision of Stockdale *v.* Hansard. He had heard, with regret, Members of that House do themselves injustice. They said they were the judges of their own privileges, and allowed that the constitution of Parliament was distinct from the common law; but Members, even of the first intelligence, seemed to attach undue consideration to the merely legal bearings of this question. There might be technical considerations mixed up with it, on which the information of practical lawyers was necessary; but the main question depended not on technical rules, nor on the confined views which belonged to practical lawyers, but on constitutional grounds. What was necessary for the discharge of the functions of the House of Commons —what were the powers necessary to discharge their difficulties—and by what tribunal were they to be determined? These were questions not to be decided by lawyers, but by men conversant with the constitution of the country. He would be glad to know if the state of the legal business of this country permitted time and opportunity to the judges of the land to enter into practical constitutional questions affecting the privileges of that House. Where had they condescended to acquire the necessary information to enable them to judge of such questions? Was it reasonable, when the House was bestowing time and labour in making inquiries, and giving subjects full discussion, that their judgment of what the public necessities required to be communicated to the country should be set aside by the judges sitting in Westminster Hall? It was plain, that the business of the country could not be carried on under such circumstances. A right hon. and learned Friend, who spoke early in the debate, had called their attention to the circumstances under which this inquiry had arisen. He ventured to think—he did it with real respect—but he could not control his understanding, when he was satisfied, after deliberate consideration of this subject—he fully believed, that there was no pretence to call the report which had been brought in question, a libel when published by any one, still less being published by order of that House. He knew that Captain Baylis had been held guilty of no offence in the publication of a letter relative to the abuses in Greenwich Hospital. By the theory of the Constitution the Commons of England were all in that House. Even Chief Justice Holt, the enemy of privilege, said, "Truly you can't believe that one room contains the whole Commons of England, but, they are virtually there by their Representatives." No law of libel could extend to such a case. Where matters of common and public interest were involved, nothing reflecting upon individuals could constitute a libel. But when commissioners were appointed by Act of Parliament to inquire into the prisons of Great Britain, for the express purpose of legislation, he asked were the people of England not generally interested in those inquiries? Had their gaols conduced to the public advantage or otherwise? Should it be said that they might publish a trial in a court of justice where A. and B. were concerned, but that, when Parliament directed an inquiry into the general management of prisons, by an almost judicial officer, and published the results, that the contents of those reports might be a libel. Should it be said that the Commons of England, upon subjects of universal interest, should not communicate with each other, while every tradesman might write letters filled with libels from beginning to end, no matter into whose hands they might pass, if the extent were not mischievous and wanton, and beyond what the occasion required? Who should decide, in the case of Parliament, what the occasion required? Who had charge of the interests of the public? Not the judges. Their duties were much more limited. They were not to inquire what the law ought to be, or to ascertain its defects with a view of amendment, but to administer the law as it is; and they were deserting their functions when they inquired into the authority of that House. Upon a subject of universal interest, which engaged the most careful attention of Parliament, commissioners were appointed to inquire, and to lay the results of their examination before the House. For what purpose? That they might be kept secret? This particular inquiry was under the authority of an Act of Parliament. What was the machinery by which Parliament was to place it before the public? By the reports placed upon that Table. An intelligent commissioner was appointed to inquire into the state of a gaol. What did he discover in it? That in some one ward or part of the prison, there were confined together a man of the worst description, a lad of seventeen years of age, and another who was only imprisoned for fourteen days, and whose offence, therefore, must have been trifling. In that one room they were all found, and in that place a book calculated to make the imprudent guilty, and he who was guilty tenfold worse. Thus it was, that the commissioners found a prison converted from a place which ought to be for punishment—for true punishment and subsequent amendment—into a place in which the passions were inflamed, which had already been too strong; and the mischief was increased even where it might be supposed that it would be temporarily suppressed, and permanently diminished. In that place were found four books of the most obscene description. He had procured a copy of one of them, but did not intend to produce it; he had left it in the library up stairs, but if he read the letter from Dr. Bayley to the author of it, the House would understand of what character it was. Dr. Bayley had been told that it was a scientific work, and had been asked to allow the book to be dedicated to him; and he consented, if it were published deprived of some passages. Some time afterwards, however, it was published with the objectionable portions, and Dr. Bayley then wrote to Dr. Robertson, the author, to the following effect:—"That, about six years before, Dr. Robertson had written a work, and previous to its publication, had requested permission to dedicate it to him (Dr. Bayley). That he had consented to such request, on condition that it was published with the omission of certain passages. That, a few days previous to the date of this letter, a friend of his had shown him a third edition of the work, in which there were many passages of the worst nature. That he could not express what he thought when he saw the obscenity of the work, though he remembered that he had been requested to allow it to be dedicated to him. That, in his opinion, it was a work in gross violation of every principle of decency and decorum." So far, then, for the indecency of that book, which Dr. Bayley had not discovered sufficiently soon, but which, when he had ascertained, he did not hesitate thus to denounce it. What, then, was done to promote its circulation and sale? The work was published with Dr Bayley's letter prefixed to it, and with that were given plates, such even as the most profligate, he would venture to say, could not see without surprise. He had not imagined, he could not conceive a greater degree of grossness than what was to be found in the book, which was described to the jury as one for which 100*l.* damages ought to be given as a scientific book. The commissioners made a report. What was to be done? Were they to keep this a secret from the man to whom misconduct was imputed? Was it not, on the contrary, their duty to give him the opportunity for denial and explanation? The libel, as it was called, was published. It was handed to the corporation of London, as they were in some degree affected by the statement. The corporation of London made a report contradicting some parts of the report. No doubt the corporation believed fully the truth of that which they were induced to represent to the Government. Then it was the duty of the House to refer the statement of the corporation to the commissioner, in order that he might have the opportunity of giving an explanation. Thus it was, that the first report was made the subject of the first action, as the second report was made the subject of the second action. And yet Lord Denman asked, what had this to do with the regulation of prisons? It might, indeed, be asked what but that had to do with it? Was it not a part of the regulation of prisons well deserving of their attention? In what could the public feel more deeply interested, than that a lad who had fallen into temptation and to crime should not, by his confinement in one of their prisons, be rendered one of the worst of criminals? Was it not a part of the prison discipline, which they ought to know of, how individuals passed their term in gaol? how the gaolers performed their duties? What belonged more to the discipline of a prison than the amusements or the occupations of the prisoners? But, first, Lord Denman said, this did not relate to prison discipline; and secondly, he said, even if it did, why give Mr. Stockdale's name? Now, he, on the contrary, asked what would be the value of the report? What credit would be given to it, if the case were that of an anonymous person. What justice would it be to a man to allow a report against his character to be circulated amongst 658 persons?—thus to give it every publicity, and yet not put it forth in such a manner as to give him an opportunity of meeting directly the criminality with which he was charged. He would beg to say, that much which had been said, and much which they had heard upon the subject, was founded in error. It had been said, might the House of Commons libel whom they pleased?—what motive had the House of Commons to libel an individual—what inducement could the House of Commons have for such a proceeding, when its only object could be to prosecute nothing but what was for the public good? But then it had been said, a man should not be left without a remedy. Now, in the little experience he had had in that House, he had no hesitation in saying, that if matters were published by them which reflected upon the interests of individuals, he believed that if it were found that their interests were undeservedly affected by them, that the individual so affected would and must obtain practical justice from that House. Supposing that an individual had, from information, wrongfully—supposing him wilfully to have misled the House—why, could not the House commit him for doing so? That House would allow no witness with impunity to tell a falsehood to them, whether the person was on his oath or not. They would not permit an individual to libel intentionally another. But supposing that the House of Commons had, for some public purpose, authorised a certain publication, and that, through its means, a party had suffered loss, then, in that case, he was sure that the House would not refuse remuneration. He did not believe that a party injured by them would be left by them unredressed. He believed that it would be found that more strict justice would be done by them than would be given by any court of law. He denied that the jurisdiction of that House was incompatible with justice; he believed the reverse. An action having been brought against Mr. Hansard, he defended himself; the House took no part in it. What then was the first matter that occurred? In this case, the jury found that the publication was obscene, as it had been represented. Lord Denman summed up to the jury in that case; he, too, declared that the book was obscene, as it had been represented. In that case, when an appeal was made upon the merits of the publication and of its publisher, a special jury of the county of Middlesex declared that the man who published such a work was entitled to nothing. And yet they were there charged with doing injustice, for having taken measures to prevent a man pocketing 100*l.*, because they had said that which a jury had since declared—that he had published an obscene book. But this was a case which might be decided upon its merits; and yet Lord Denman thought it to be his duty in connexion with it to make a strong declaration with respect to the privileges of that House. He firmly believed, that if there was a man who was above courting popularity, or whose feelings could be less influenced by an improper display of it, Lord Denman was that man. He believed that Lord Denman was not insensible to public favour; but then, he was a man of such high honour, that to be acceptable and grateful to him, it must follow the discharge of a public duty. He thought his Lordship's motives to be pure, and of his honesty he was certain. He was a man of strong and energetic mind, and he, therefore, expressed himself in strong terms. He spoke, for instance, of that House publishing libels. They had the declaration of the noble Lord; but who were to be the judges of the fact? Was that House to have no authority in the publication of any matters whatever which they might deem of importance for public purposes? What were they to do? They could not pass by the first court of justice promulgating the opinion that they published matters without any just right or pretence. The noble Lord necessarily called the attention of Parliament to the state of the law, and the committee which they appointed directed their attention to this case. The hon. Member for Oxford had said, that the House had been misled by two learned Members. He did not doubt but that he was one of those who was thus alluded to, but who was the other he could not imagine. He had laboriously collected all that which he thought the committee ought to know. He had received the greatest possible assistance from the enlightened intelligence of many hon. Members, but particularly from the right hon. Baronet opposite, and the right hon. the Member for Montgomeryshire, who was never absent upon any one occasion, and never refused to devote all his energies to the maintenance of the privileges of that House. That which he collected he presented to the committee, and he certainly held out no inducement to them to come to particular resolutions. If the documents which he collected did not appear to him to prove that the House possessed the privileges, which he was now convinced it had, he should most willingly have stated that to be the result of his labours. This matter had been well and closely sifted by the right hon. Baronet, by Sir William Follett, by Sir Frederick Pollock, and by the Attorney-general, and he never submitted anything to the committee, until it had first been considered out by the committee. Sir W. Follett had made no suggestions, from which he disagreed. So far was he from instructing others, that what he had done was read over in his chambers, by them who met him there. So far, then, was his committee from being misled by two hon. Members, that no Member of the committee could have been misled—and he must say, there was no diligence which he could bestow upon the case, that was not patiently and sedulously given to it. The right hon. Baronet had softened many paragraphs in the report presented to the committee, and he had added to it that most important paragraph, soliciting the House to pay great attention and bestow caution in the publication of their reports. That was presented to the House, and he maintained that it would be found to be sustained by legal authority, even to its least point. He had never stated anything in his resolutions, for which there was not distinct authority to be found in almost every sentence. He felt most confident, that if the House and the committee would go through them line by line, they would be found to be supported by the law and the constitution to the fullest extent. The Court of Queen's Bench pronounced in favour of that which was the basis of Parliamentary privilege in terms—namely, that the House possessed privileges necessary to enforce the functions requisite for the discharge of its duties, and that it had no privileges beyond that. What member would not pretend to have a regard for the public interests—and who could pretend to less than that? The Court of Queen's Bench admitted, that their privileges were rightly possessed, and that, when necessary, they could be lawfully exercised by the House of Commons. But to whom and before whom were they to establish that necessity? The whole question turned upon that. The Court of Queen's Bench admitted that the House had the privileges. It must have them, when it had great public duties to discharge; but then it was idle to tell them that they had those privileges, when, at the same time, they found a judge to ask them when the case for exercising them arose—"Where was the necessity?" Was it by them or by others the point was to be discussed as to the necessity for exercising their privileges? If he were to say to them, they were all at liberty to do as they pleased, and to act without restraint, if they could satisfy him that there was a necessity for unlimited freedom, that made the thing at once a burlesque. It was admitted that the House had the power, if there was a necessity for its exercise; but, then, if the House were not to judge of that necessity, of how little use would it be. The House and the judges agreed on the one point; but the difference between the judges and the House arose as to who was to determine upon the point of necessity. Were they to find that point determined there, or by others who did not belong to the House? That House, when a report was made to them, had come to certain resolutions. Now, he must say, that he wished well to the present Government, though he was perfectly unconnected with it; and feeling favourably towards it, he must remark, that he did believe, that the Government would suffer more, and he could not help saying, not without some justice, from its abandonment in this case of the highest public duty with which it was charged, than from anything else. He did not believe, from everything that he had seen, that Gentlemen on the other side interfered in this matter from anything like a party bias, although their proceedings had a strong party tendency. That tendency was to bring down strong condemnation on the Government, for pursuing a course by which the privileges of the House of Commons were put in peril. That the Government had induced the House of Commons to adopt certain resolutions, pledging them to pursue a certain line of conduct, and then, having done this, they held the Parliament up to contempt by declaring that its resolutions were not proper to be acted upon. Whatever might be the propriety of these resolutions, they now found themselves taunted that they dare not act upon them. An hon. Friend (Mr. Wakley) who was near him, had observed, that if the sheriff were committed by them, he supposed his coroner would follow next. He had the utmost confidence in the Government; but he never could be a party to the threat which they had held out. He thought that the House of Commons having come to a resolution, should carry it into effect, and never go an iota beyond it. He was not for the House of Commons declaring that it would interfere with the administration of justice, nor of making that determination public. But after what had now occurred, what reliance, he asked, did they expect would be placed in any resolution which they passed. He hoped that this question would be decided with calmness and with deliberation—that no passion would enter into their proceedings—that they would show themselves above resentment—that their power and their authority would be enforced without acrimony or displeasure; but then, having deliberately resolved, let them firmly do their duty. The public mind had been much abused upon this subject; but, then, how were they to look for having the public with them, when it was understood that they had abandoned their resolutions? They said that this privilege was necessary to the performance of their duty. They placed their character before the world on the truth of that declaration—they were called upon to act and they flinched! They dared not to follow up their own resolution. He agreed in the words which had been said, that public opinion was the strength and power of that House. Public opinion was often, for a short time, mistaken. Those who honestly discharged their duty, must even be prepared to stand, for a time, against public opinion. He might be allowed, however, to say that the House would have crushed the adverse opinion; if they had performed that which he thought to be their duty, and that which those on the other side thought so too. If they were confident in their own resolutions, if they did not waver in their mind, if they had not changed their own opinions, and fallen into vacillation of conduct, they would now be before the public mind in a very different state. He did believe, and he meant it without any disrespect to the present House of Commons, that if other Parliaments had shown timidity equal to that now exhibited, the privileges of the House would long since have been destroyed. The right hon. Baronet had referred to a part of his own speech, in which he had recommended that the proper course to be adopted was to punish the person bringing the action, by committal. As to the report of his own speech, which was in the *Mirror of Parliament*, he must take that opportunity of saying there were expressions used, and language ascribed to him, against which he protested, and that had never been uttered by him in that House. He had not consented to that course which the Attorney-general had proposed. He thought he had said that he entertained a very different impression respecting the course proposed, and that which was felt regarding it by the Attorney-general, for the tendency of all tribunals, and he did not except the House of Commons, was to extend their jurisdiction. There were no tribunals who had so extended their jurisdiction so much as the courts of justice. The courts of justice had in fact repealed Acts of Parliament. The courts of law in Westminster had continually extended their jurisdiction; and now there was something to prove that they desired to be, as compared with the House of Commons—the paramount power. The question, then, was this—was the House of Commons or the Courts of Westminster to be the paramount power of the State? What was the foundation of the prosperity of the country and of Parliament? It was, that the high character of that House was to be maintained—it was, that they were to be looked up to as the first tribunal for correcting and restraining all others—that they should be the terror and the dread of all evil-doers in other public offices; but they were now in that state, that they never could again be useful and beneficial to others, as they had been. He had wished them to maintain that dignity which had been found so useful to the people. When the course was proposed by the Attorney-general which had been adopted, he suggested that the Speaker do write to the judge. He knew that was an irregular course, and that the judge was not bound to take notice of it. There would, however, have been an advantage in adopting it. Though he said he had, upon that occasion, disagreed with his learned Friend, and warned him as to the probability of the case terminating in the way it had done, yet he could not say that his learned Friend did wrong as Attorney-general, in the proceeding he adopted, because it was a strictly legal course. Language had been used on the other side with regard to their proceedings, which was not worthy of the occasion. Did his hon. and learned Friend (Mr. Pemberton) know that no other course could be taken to stop the action? There was not a word or sentence uttered by his hon. and learned Friend that was not completely destitute of sound argument. That hon. and learned Gentleman had spoken of Mr. Hansard having sent a card of invitation to the plaintiff to discuss this case in the Queen's Bench. A card of invitation, forsooth! Mr. Hansard was dragged before the court by a legal process. What was meant, then, by a card of invitation to the plaintiff? Did it mean that Mr. Hansard unnecessarily opposed the plaintiff. The defendant was dragged before the court, he resisted the attempts made against him—he tried to stop the proceeding—he protested against the jurisdiction—and now, was it to be said, that it was not common justice in the defendant to refuse to bow down before the judgment against him?

The defendant, at every step of the proceeding, had protested against the jurisdiction of the court, and yet it was said that the stones of Westminster-hall would cry out, unless Mr. Hansard, after keeping Stockdale at arm's length throughout the proceedings, now went and paid the damages without further dispute. The action could not be stopped unless by the plea, and how could that be considered an invitation to the plaintiff? If it was an invitation at all, it was an invitation to be off. The course taken by his hon. and learned Friend the Attorney-general was a strictly legal course, but there was not the slightest pretence for saying that he conceded one jot—and he (Mr. Wilde) was so astonished to hear what was said in the Committee on this subject, that he thought it right to move an amendment declaring that the steps taken by the Attorney-general had no tendency to restrict the privileges of the House. It would be recollected that Lord Chief Justice Pemberton and Mr. Justice Jones placed the defence of their conduct in the case of Jay *v.* Topham, one of the Sergeants-at-arms, because a plea similar to that which was made in the case of "Stockdale *v.* Hansard" had not been made:— Lord Chief Justice Pemberton—

> "When brought to the bar of the House of Commons distinctly affirmed, that an order of the House was pleadable in bar to any action for an arrest under it, and also that this House was a superior court of a higher nature than the King's Bench, and of greater authority, and that the King's Bench had nothing to do to inspect the actions of this House; and disclaimed the court having questioned the legality of the order or the power, but only whether the party had properly pursued the order."

Sir T. Jones said—

> "If the defendant had produced a copy of the journal that would have been sufficient, no judge would have been so silly, or imprudent at least, to have said that had not been a good and sufficient authority."

After reading those observations, could any man say that the defendant, pleading in bar that the action complained of was done under legal authority, did anything which amounted to a concession of the jurisdiction of the court? He had at the time expressed his strong disapprobation of the course pursued by the House; and had suggested another not strictly legal, but which was not illegal, for the purpose of avoiding greater evils. Therefore, as far as his authority was concerned, the Government knew what was the probable consequence of the step they had determined on. It was now said, that the question had been argued in a court of law; that the House had taken the chance of the judgment of the court being in its favour; and that, finding the judgment adverse, the House now complained of it. This representation of the case was loudly cheered; but what pretence was there for saying that the House had acted like a dishonest gamester, and having played for and lost a stake, it would not pay it; when the fact was, that the House had resisted the jurisdiction of the Court of Queen's Bench to the utmost, and, thinking itself injured, would not submit? And this was another thing that the stones of Westminster-hall were to cry out about! He only regretted that more opportunity had not been afforded to the right hon. Baronet opposite to consider this part of the question, for he was certain that the right hon. Baronet's intelligent mind would soon have been disabused of the grossest fallacy which had ever fallen under his notice. There had not been from the beginning to the end the slightest departure from hostility to the jurisdiction of the court. No concession of any sort or kind had been made; and the House was now in as good a situation to resist by any means in its power, as if it had let judgment go by default. Some reasons, certainly, might be urged in favour of the course pursued by the Attorney-general; but these were not such as would have induced his hon. and learned Friend to adopt it, supposing he had taken the same view of the matter as he (Mr. Wilde) did. It was true, as his hon. and learned Friend had said, that if the court had given judgment in his favour, no one would have disapproved of the step he took. His hon. and learned Friend opposite (Mr. Pemberton) at one time thought that no privilege of the House was good that had not existed from the time of Richard 1st, and he did not know whether the opinion of Lord Ellenborough and of Mr. Justice Patteson had yet satisfied him of the contrary. He begged, in order to fortify the statements he had made, to be allowed to read the opinions of Mr. Perceval, Chancellor of the Exchequer, Sir V. Gibbs, Attorney-general, and Mr. Ponsonby, as to the effect of appearing and pleading in the case of Burdett *v.* Abbott. The Attorney-general said—

"The House was the sole and ultimate judge of its own privileges and of their extent. They were to be judged by this House alone. No other body had the power to decide. Not but that their privileges might be incidentally brought before another court, which court, however, could not look to their privileges, but to their decisions upon them. It was by these that the court would be bound to decide. He felt not a doubt but that the judge, on reading the Speaker's plea, would refuse to listen to the action, but he could not feel the same assurance as to the plea of the sergeant, because there might be a doubt whether he had or had not overstepped his lawful authority in the manner of executing the warrant."

Mr. Ponsonby said—

"Yet, monstrous as it appeared to some, and novel as it must seem to all, it was his firm persuasion that the Speaker ought to appear and put in his plea to the action. Such course was open to him without the slightest apprehension of his surrendering in the remotest degree the privileges of that House, and such course the House could adopt, although it had determined to commit the solicitor . . . for, unless such a course was adopted, how was it possible for the courts below to be apprised of the nature of the case? How was it possible for them to inform themselves of those facts, without the knowledge of which they could not know whether the injury complained of was committed in a private or public capacity?"

Mr. Perceval said:—

"He was confident that no authority, no judge in the land, when he learned that it was a question in which the privileges of the House of Commons were implicated, would determine upon it. He entertained no apprehension that either the dignity or privilege of the House of Commons was endangered."

Such were the opinions of different politicians and lawyers of great eminence, following up the opinions of Lord Chief Justice Pemberton and Mr. Justice Jones. He had recommended, that the Attorney-general should not resist the case in a court of law at all; but as he did not succeed in preventing his hon. and learned Friend from pleading, he was anxious to give to the proceedings as little of a marked character as possible; and he, therefore, advised his hon. and learned Friend not to argue, but merely to inform the court of the privilege of the House, and there leave the matter. His hon. and learned Friend opposite said, that the House appeared and prayed for judgment; and the House would be astonished to learn what injustice was done the Attorney-general by such a statement. When he was dragged to the trial of the case, what else could he do but pray for judgment? Let the House read the opinion of Lord Denman with respect to the line of argument pursued by the Attorney-general, and they would see that the learned Gentleman was not at all indistinct in his protests against the jurisdiction of the court. Several times in the course of his judgment, Lord Denman observed, that the Attorney-general argued that the defendant had acted by order of the House of Commons, and that, therefore, the court had nothing to do but to give judgment for the defendant; and this the learned Lord repeated five or six times, distinctly recognizing the protest of the Attorney-general. Consequently, the Attorney-general's appearance was not to be taken as an admission, which in truth it was not, of the jurisdiction of the court, because he appeared precisely to protest against it. What he complained of in the resolution proposed by the noble Lord was, that it spoke of not taking a certain course under the special circumstances of the case. What were these special circumstances! They could not be mentioned without stultifying those who supported the noble Lord's resolution. There had been an observation made, which was entitled to the greatest respect. It had been said, that public opinion might be against the House. What then? Were they prepared to surrender the privileges of the House? Let them mark what they had done. They had passed resolutions before the action; they had passed resolutions after the action. Still the plaintiff went on with his dispute and his contumacy. They resisted by all legal steps, not allowing a word to drop admitting the jurisdiction of the court. However, the court decided against them, and the plaintiff persisted in seeking damages. Why, then, should they not persist in following out the views formerly acted on? What special circumstances, what changes had since occurred to induce them to swerve from the course there pointed out? He knew of none. The only special circumstance he was aware of was this—that Mr. Stockdale had proved himself to have been most specially contumacious. Had Mr. Stockdale ever been led to believe that the House had ever acquiesced? What step had he ever taken but in the perfect knowledge and belief that the House were using every means of resistance, and were resolved to persist in doing so? They were told, to be sure, that there were special circumstances. He knew of none. He could imagine none; but he saw very plainly that there were circumstances in operation—circumstances of special timidity. The House never could have a case in which they would stand on better ground for firm and unflinching resistance than the present occasion. Who was the individual that had given rise to this discussion? He was a person much below that station in life which made him worthy of consideration. He was, at all events, beneath the dignity of Parliament. He had always said, that the greatest boon which could be conferred on Mr. Stockdale would be to commit him for contempt. To make him a martyr, would be worth half a fortune to him. Therefore, he certainly would not advise the House to adopt any step not required by the absolute, unavoidable necessity of the case. If the course he had recommended, therefore, did not appear clearly and indispensably necessary, he said, at once, he trusted they would not follow it. He had moved the amendments which appeared in the record of the proceedings of the Committee, believing that he should have the support of the noble Lord below him, and the right hon. Baronet opposite. But when he found himself disappointed in that expectation, he had given up the point. He was desirous that the House should act with firmness and consistency, but that they should not go into a contest to expose themselves to defeat. Therefore, he said, resist—resist to the uttermost—calmly, but firmly adopt that position, and follow out that dignified and most proper course if the House went with them in supporting such a course; but do not attempt it, abandon it without hesitation, if they were to produce, by doing so, a division in that House, and thus appear in a weakened and less powerful position. The course which they ought to pursue should depend chiefly upon the feeling which was entertained in that House. He thought, however, that the House would find that this much commiserated sheriff would not endure such very great sufferings as had been depicted. And he did not hesitate to say, that if they were prepared to give way to such considerations, and to allow themselves to be influenced by motives of pity for subordinate officers, and always, in such cases, to give up their powers to the judges, they would speedily disable themselves of the means necessary to vindicate the privileges of Parliament. Supposing that the House should adopt the amendment which had been proposed, and the sheriff was ordered to proceed with the execution of the writ; he would communicate that to the House; he would tell them so. The House, in that event, would tell the sheriff not to proceed to execution, and would protect him from the consequences; and the Home Secretary would receive instructions from the House to that effect. [*Laughter.*] That seemed to excite amusement in the minds of some hon. Members. Did the House not act in that way when the soldiers were called out to take Sir Francis Burdett? Let Gentlemen then say what ought to be done and could be done when matters came to the last extremity. He had stated his opinion on the circumstances, and he would only say, that if the course which he had suggested were adopted, he would at once stand responsible for the result. The court, no doubt, might grant an attachment against the sheriff, if he refused to execute their writ, but, in that event, when they came to enforce that attachment, it would be found similar to the case of the man with the bear; the bear would, to a certainty, catch the man instead of the man catching the bear. They had arrived at that state of matters which made it plain to every one that something definite must be done. Supposing the amendment to be carried, and a case of privilege thus to have arisen, which rendered it necessary for the wisdom of both Houses to consider what should be done; that would necessarily lead to a conference of the two Houses. Suppose that the sheriff, on that, attempts to levy an execution, and he is taken for contempt: what, then, would be the consequence if the House of Lords should refuse to assist the House of Commons, and join in the maintenance of their privileges? He saw no difficulty in such an event—nothing that would deter him from supporting the views that should lead to such a collision, because he deemed it an unavoidable one, and the course he should in that event recommend the House of Commons to adopt, would be this:—He would suggest they ought to declare, that such and such privileges were necessary to the due exercise of the legislative functions of the House of Commons, and that, until those privileges were distinctly admitted and vindicated, the House could not go on with the dispatch of the public business of the country. It would not be the first time that that House had differed with the House of Lords, and it was probable that they would have occasion to differ again; but, for his own part, he wished to see no such difference; yet he must say, that should such a difference occur in this case, he thought the plain and most practicable method of settling such difference would be by a conference between both Houses of Parliament. Both Houses must see that such a state of things required steps to be taken for arriving at a satisfactory basis of settlement. There must be an adjustment. If not satisfied with the plan he had suggested, he begged to ask what other course could be proposed? Let any hon. Member mention a plan more practicable and more calculated to establish and preserve peace and good understanding, and he was ready to adopt it. But he had heard of none, and he had set out with this, that the House of Commons must preserve its privileges, and take decided steps to vindicate its authority. They had been misled by the doctrine of writs of error going ultimately to the House of Lords. There was no such thing as a writ of error to the House of Lords alone. Such writ of error was reviewable by Parliament, according to the ancient constitution of the country, consisting of both Houses, or the three estates collectively assembled. It was a privilege belonging to "Parliament," call it by that name or any other name—and a privilege belonging to Parliament in that sense only. The two Houses had, on several occasions, separated, sometimes not very certain for what cause they did so. Sometimes it was in consequence of subsidies asked for by the Crown having been refused, and the Commons would not remain longer in company. But, as Lord Ellenborough said, each House on that separation took its own part of privilege along with it necessary for the due and efficient discharge of its public functions. The powers of the courts of law since that day had not changed. They still remained in comparison with the powers of Parliament in the same relative position. The hands of the judges were purer, but their powers were not enlarged. Such was the position of the judges now, and such it had been even in the worst of times. Lord Ellenborough distinctly laid down, that Parliament possessed the paramount right of using the power necessary to assert its privileges, and that each House possessed in the discharge of their separate functions, the authority necessary to be applied to enable it to perform its duties as a constituent part of "Parliament." Lord Holt himself, in the case of "Ashby *v.* White," made use of this fact, not very fairly against the Commons, asking how the Commons could object to a writ of error, when they were parties to the judgment which must be given upon the writ of error? Several cases would be found on the rolls of Parliament in which the Commons were described as parties, and there were several cases in which the Commons complained, that they were omitted, and it had been said, that it was impossible to ascertain with any certainty whether the Commons were parties to the record or not, as the clerk of the House of Lords sometimes omitted their names by mistake, and sometimes by design, in order to give the greater semblance of authority to the House to which he belonged. The House of Commons then, was co-ordinate in point of privileges with the House of Lords, and were they by a side-wind to make the House of Lords paramount? "The privileges," it was said by a high authority, "which have been since the separation in 49th Henry 3rd, enjoyed, and the functions which have been since uniformly exercised by each branch of the Legislature, with the knowledge and acquiescence of the other House and of the King, must be presumed to be the privileges and functions which then—that is, at the very period of their original separation — were statutably assigned to each. The privileges which belong to them seem at all times to have been, and necessarily must be inherent in them, independent of any precedent." The country had made a great struggle to carry the Reform Bill. The chief object which they had in view, the main purpose for which such extraordinary exertions had been made on that occasion, was to improve the representation, and to extend the privileges of the people. He did not hesitate to say, that those exertions would be entirely lost, and that the Reform Bill would be nothing better than a piece of waste-paper, if the House were to allow the House of Lords to exercise such control over their proceedings. The Queen's Bench had grasped at every inch of ground in former years. The history of the country showed each tribunal constantly contending for the possession of unallowed and extended jurisdiction; and Chief Justice Pemberton whom it was the fashion to pity, and who was committed by the House of Commons, told Roger North that he had made more law than King, Lords, and Commons, put together. The effect then of allowing a writ of error to go from the Queen's Bench to the House of Lords was allowing that House which only possessed co-ordinate privileges with the House of Commons, to decide the question of the extent of their privileges. Much had been said about the danger of abuse; that if the House possessed the exclusive right of judging of its privileges it was impossible to see what might be the result; that if the House possessed the exclusive power of deciding on the question of its own privilege, the House might determine anything to be privilege. Well, suppose that to be the case—suppose that there were any salutary power which could be imagined that was not open to the risk of abuse—was it not plain, that if there were anything in such an argument it would strike both ways? And that, on the same principle, it was open according to the doctrine of Lord Denman, for the Court of Queen's Bench to declare anything not to be privilege. Was it not well known to all who had read and studied the law of jurisdiction, that there never was a particular power possessed by any public body that might not be abused? The great check to such abuse was the influence of public opinion, and he begged to ask where he could be shown a tribunal more amenable to the power of public opinion than that House. It was said, however, that that House had already been guilty of an abuse of power. He admitted such to be the fact. The House had on certain occasions been guilty of an abuse of power. What tribunal, he again asked, could be named which had not on some occasions committed an abuse of power? But, at the same time it was his duty to bring under the notice of the House, that many of these acts now viewed as abuses by the House, were, at the time when they took place, clear and undeniable privileges of Parliament. In the early days of Parliament, society, it must be remembered, was in a very different state from what it is at the present day, and it was necessary to assert a very different kind of privilege.

Some of those privileges were preserved, no doubt, long after the change in civilization had rendered their preservation useless and improper. They had been maintained, in short, after the necessity for their existence no longer remained. He would not keep up a single privilege that was not requisite for the preservation of the dignity and legislative power of the House. If that necessity for any particular privilege ceased, he maintained that the privilege no longer existed. He believed, that by departing from that principle abuses may have been committed. People of worth and merit were committed—counsel, eminent counsel, were committed—and even some judges were committed. How did it happen that none of those persons moved for their habeas corpus? Not one of them did so. The most eminent men yielded obedience to the privileges of the House, and not one of those who were punished by commitment thought of applying to the courts of justice for redress. They did not dream of bringing actions at law to claim redress for alleged wrong, but yielded at once to the supremacy of Parliament. Had there been such an abuse of power as might now be supposed surely the excess of privilege would have made them the more determined to resist and to challenge investigation? But he was desirous to point out the difference between what might be considered an abuse of power by that House, and an excess of jurisdiction by a court of law. The integrity and good sense of that House formed a strong assurance, that they would never seek to assert a privilege beyond the very narrowest necessity of the case. They had indeed from that cause, surrendered privilege after privilege; but the courts of law, instead of giving up power, were constantly seeking to extend and enlarge their several jurisdictions. He must now refer to some of the cases that had been so much relied on in the pleadings, and particularly the case of Benyon *v.* Evelyn, which was supposed to show, that there was a general jurisdiction in the courts of law to examine and overrule what was done by the authority of Parliament. Why in that case it had been distinctly proved by the Attorney-general, that no question arose in which either House of Parliament was interested. It was an attempt, in short, by a creditor to force the writ of Parliamentary privilege on a defendant who had been a Member of Parliament to evade the statute of limitations. Sir Orlando Bridgeman, a great loyalist, who had been expelled from Parliament, and then Chief Justice of the Court of King's Bench, spoke merely of the question of privilege incidentally, and the action was for goods sold and delivered in April, 1657. He did not see what use then could be made of that case to support the power assumed by the courts of law. He warned the House, that the step they were now about to take, would form a lasting precedent. He had shown what had been the result of forbearance in former cases. In the particular case last mentioned, privilege was not pleaded, but forced upon him, and all that was extra-judicial. His learned Friend, the Attorney-general, had accordingly remarked, that the opinion of Sir Orlando Bridgeman, in that case, must be viewed as such, and therefore entitled to no weight. To that remark of the Attorney-general, the judges replied, that as the opinion was extra-judicial, the House was the more blameable in not consenting to it. He was never more surprised than when he read in this judgment that the House had not interfered. Why, the House was no party to some of these cases. He ventured to say, that some of these cases had occurred when the Parliament was not sitting, and they could not interfere in an incidental case of which they had never heard. If abuse were the ground of the present judgment; if it were shewn that abuses had existed, the course now taken would tend to negative all inquiry, and prevent all necessary cure by Parliament; the abuses that had been complained against were no longer claimed; but it was not removing an abuse to change the name. How stood the case with respect to the House of Lords? Suppose they claimed a privilege, which the courts of law should decide to be no privilege, the judgment of the courts of law would go by writ of error to the House of Lords; that House would say the same as they had at first asserted, and it was absurd to say that they should begin the question in one court, that they should travel with it into another court, and that ultimately it should come back to the same court in which it had originated. What was the difference between the House of Lords and the House of Commons on this point in law? In his opinion there was none. Here the

Houses were co-ordinate. The language of Mr. Chief Baron Gilbert was—"The House of Commons is intended as a check to the House of Lords." What a farce then would it be, if the House of Lords could check the Commons, and if, when the two Houses were co-ordinate and independent of each other, one could so treat the other! It was necessary to give the House of Lords the same power of privilege. Why was not the House of Lords subject to abuse? The law, in fact, was not framed on the presumption, that if there were abuse on the part of the highest authority, a remedy could not be provided. Was it the only ground of claim on the part of the court, that the Commons of England were liable to abuse their powers? Why, the Commons were sent by constituents; they were acting in public, and yet they were not to be trusted with this privilege, for fear of abuse. No one dreamed that the jurisdiction of the court itself had not been usurped, though the usurpation had been sanctioned by time. But what a presumption of abuse would there be if there was this appellant power in a place secure from control—in the Court of Queen's Bench. The observations of his learned Friend contained a mass of legal argument, and yet Lord Denman said that the only merit to be found in it was that it was laboured. He could not help observing, that having read the judgment—with all the respect which he felt for the four men, than whom more honourable and more amiable men were never, he believed, under any circumstances associated together—he felt considerable surprise at finding an impression on his mind that the judgment was determined on before the argument was closed. The court had not time to consider all the arguments. Lord Denman said of the reasons given by Chief Justice Holt, that "it was easier to outvote than to answer them," and he begged the attention of the House on that point to the observation to which he had referred respecting his learned Friend's argument. He thought that it was much more easy to give a loose general judgment bearing some popular topics on the face of it, than to bring forward any legal authorities on which a judgment could be given against the House. He would shortly call the attention of the House to some of the authorities which existed on this subject. The right hon. Baronet opposite would, doubtless, recollect many of them. Lord Chief Justice Abbott declared—

> "That it was settled by many precedents in the courts of law, and, finally, in the case of Burdett and Abbott, that 'it was competent for the House of Commons to convict for contempt of their privileges, and that they were the judges and the only judges of what was a contempt. The cases of Lord Shaftesbury and of the King *v.* Patys, were decisive authorities to show that the Courts of Westminster-hall can not judge of any law, custom, or usage of Parliament, and consequently they can not discharge a person committed for a contempt of Parliament. The power of commitment for contempt is incident to every court of justice, and more especially it belongs to the High Court of Parliament."

He was speaking of the House of Commons, but in truth each branch of the Legislature was a court for these purposes—

> "And therefore it is incompetent for this court to question the privileges of the House of Commons on a commitment for an offence which they have adjudged to be a contempt of those privileges."

That was the judgment of Lord Tenterden a few years ago. Lord Kenyon had expressly said that it was impossible to admit that the proceedings of either House of Parliament could be a libel. "This," said he, "is a proceeding on the part of one branch of the Legislature, and, therefore, we cannot inquire into it." Mr. Justice Lawrence said—

> "The proceedings of courts of justice are daily published, some of which highly reflect on individuals. Yet it is of vast importance to the public that the proceedings of courts of justice should be universally known. The general advantage to the country in having these proceedings made public more than counterbalances the inconveniences to the private persons whose conduct may be the subject of such proceeding. The same reasons also apply to the proceedings in Parliament; it is of advantage to the public, and even to legislative bodies, that true accounts of their proceedings should be generally circulated, and they would be deprived of that advantage if no person could publish their proceedings without being punished as a libeller."

He would next read the judgment of Lord Camden in the case of Entick *v.* Carrington: Lord Camden said—

> "The rights of that Assembly (the House of Commons) are original and self-created, they are paramount to our jurisdiction, and they are above the reach of prohibitions, injunctions, or error."

Meaning thereby any writ of error. He would now refer to the judgment of Chief

Justice De Grey, which was passed by in the judgment with scarcely an observation; as for answer, there was none :—

"When the House of Commons adjudged any thing to be a contempt, or a breach of privilege, their adjudication is a conviction, and their commitment in consequence, is execution; and no court can discharge or bail a person that is in execution by the judgment of any other court. We do not know certainly the jurisdiction of the House of Commons; we cannot judge of the laws and privileges of the House, because we have no knowledge of those laws and privileges."

Lord Denman said to this—" You say, that we do not know the law of Parliament: what better means of knowledge have you?" Why, when the judges said, that they did not know the law of Parliament, what they said was—that they were judges to decide the common law; that their books were addressed to the common law, and not to matters of Parliamentary law, and, therefore, that Parliamentary law was not the law that they, as common law judges, knew. The same thing would be said by judges who were most profoundly learned in Parliamentary law; and they would say it all the more, and all the more properly, because they were profoundly learned in Parliamentary law. What if the Court of Queen's Bench should not know where Dublin was? And yet there was a case in which the court held, that they did not know that Dublin was in Ireland; it was not averred, and, therefore, they did not know it; was it to be supposed that the judges did not know that Dublin was in Ireland? But they did not know it judicially. To the courts of law Parliamentary law was like foreign law, and how did the courts administer foreign law? They required evidence. He was surprised, therefore, that great lawyers should not be aware, that when the judges said they did not know Parliamentary law, the obvious meaning was, that they came to courts of common law to administer the common law, and that they would not decide on other matters not within their judicial knowledge. That was the manner in which the subject was dealt with in Thorp's case, when the assembled judges were called before the House of Lords, and they declared, that " relative to the law of Parliament they could give no opinion." They did not mean, that they were ignorant of the law, but that they had no jurisdiction in such matters. Mr. Justice Holroyd said, that all that was meant was, that they could not give a judgment in a matter before the House of Lords, and the error of Mr. Justice Holroyd was at once corrected. The Court of Queen's Bench had adopted the error of Mr. Justice Holroyd, and got rid of the decision. Mr. Chief Justice De Grey said further—

"There are two sorts of privileges which ought never to be confounded; personal privilege, and the privilege belonging to the whole collective body of that Assembly. Courts of Justice have no cognizance of the acts of the Houses of Parliament, because they belong *ad aliud examen.*"

And Mr. Justice Gould added—

"This court cannot know the nature and power of the proceedings of the House of Commons; it is founded on a different law; the *Lex et consuetudo Parliamenti* is known to Parliament-men only. The House of Commons are the only judges of their own privileges."

To the opinion of Mr. Justice Blackstone he would direct particular attention. It was most summarily dismissed in the present judgment, though he had paid great attention to the higher branches of the House of Commons. He said—

"The House of Commons is a supreme court, and they are judges of their own privileges and contempts; and if any persons may be safely trusted with this power, they must surely be the Commons who are chosen by the people, for their privileges and powers are the privileges and powers of the people."

He called the attention of the House to the opinion of Blackstone because he was a man connected with the aristocracy and the power of that day, and it was well known, that he had taken an active part in the Middlesex election, and he went on to say, that "the House of Commons is the only judge of its own proceedings," and further, "it is our duty to presume the orders of that House and their execution are according to law." He (Mr. Sergeant Wilde) would not weary the House with citing further judgments of the many learned judges who had pronounced opinions to the same effect; they were all swept away in a few sentences in the present judgment. Lord Denman said, that his learned Friend had admitted, that the court had an incidental jurisdiction. The report said, that the judges had no direct power to decide upon the privileges of the House; but when they came before them incidentally they must dispose of them; but there could be no jurisdiction in the courts inconsistent with the authority of Parliament. He believed, that there was no difficulty in the present case. Suppose an action should be brought for the seizure of a ship, and that it should be pleaded that she was a prize of war, there would be an end to the jurisdiction, but if the question of the prize should be decided in another court, the court applied to could give effect to such judgment. Again, if the husband sued in right of his wife, incidentally it might be a question whether the marriage was lawful, but should the bishop certify that the marriage was lawful it would conclude that part of the case. So in many cases there might be an incidental power to determine something beyond the jurisdiction of the court. His learned Friend had in the argument cited a score of cases at the least, in which the judgment of the court of peculiar jurisdiction had been declared to be binding on the court of incidental jurisdiction, but the whole of this part of the argument was passed by in the judgment with scarcely a single remark. The question, however, was whether the House was satisfied from the judgment? And what was the House to do? If there were any general circumstances in the present case justifying the course proposed by the noble Lord, let them be stated, but let them not damage their cause by the use of general words, which in after ages would go for nothing. If there were any special circumstances in this case, he called upon him to state them, but he believed there were none. He believed, that they must come to the opposite conclusion. Were it that they relied on the pleading, were it the argument, were it the judgment for the plaintiff, and were it if they pleased, and as he was afraid, that the public opinion was against them, yet the balance of advantage would be produced to the House, and more contentment would be given if Parliament took the manly and honest course. Could they aver the existence of the privilege more than they had done, and were they to come to a resolution that they did not believe in the resolutions to which they had come? If it was not supported, if the noble Lord had corrected his opinion as to the resolution, what further time was required—what was to be waited for after the judgment? What further search was to be made? If they were in doubt, let them say so. He was ready and earnest in the cause. If the resolutions come to in 1837 were wrong, let them be pursued no further—the honour and dignity of the House would in such case be better asserted by the discharge of the resolution. If they were wrong, he would be one of the first to discharge it. Why did they keep the resolution upon their journals, if they were afraid to act upon it? What warranted them in thinking that public opinion was against them, if they pursued their privileges to the fullest extent? If they took their stand against the judgment, there would be a greater chance of peace and safety, and there would be less chance of ill-feeling on the part of the public. Let there be nothing hasty, and nothing rash; but let there be firmness and decision. The public would excuse delay on account of doubts, if they set themselves to work to clear them up, but they would never content public opinion by vacillation. They had protested against the jurisdiction of the court, and had warned the judges that they would not allow their privileges to be questioned, and if they hesitated now, if they declined to act upon their resolutions, they could only be considered as the tenants at will of the Court of Queen's Bench, so far as their privileges were concerned. Tell him not the Court of Queen's Bench would allow them certain privileges, that the judges would grant them liberty of speech. If the House submitted to this judgment, what privilege had they which might not be invaded? What privilege did they possess which had not been condemned in the course of their history by the judges? Not one. Did they doubt the propriety of publishing their proceedings or the reports which were made to the House? Let them stop the publication in future if they had any doubt of the necessity or legality of such a course. He would say, to them in the first place, do nothing unlawful, and in the next place, let them preserve their jurisdiction with boldness and vigour. If they were wrong, they had no right to go on breaking the law, but if they were right, they never could be in so good a condition as now to assert their privileges. They had acted with temper and moderation hitherto, and what were they now doing? Not, as formerly, maintaining their rights and boldly asserting their privileges, privileges which were necessary to enable them to discharge their duties to those whose interests they represented, and which they were bound to protect for the benefit of their country. The judgment which had been delivered was, in his opinion, an actual interruption of the public business, and the cause of that interruption ought to be removed by constitutional means. They were told to go to the judges, and how did the courts act with regard to each other? If one court claimed a jurisdiction which belonged to another, that other would not suffer the jurisdiction to be usurped. The Exchequer would not suffer any interference by any other court in regard to questions relating to the revenue. The Court of Chancery would commit any person acting in defiance of its authority, and the sheriff refusing to execute its orders would at once have been committed. In this case they might act against the sheriff with impunity, and in doing so, they would only follow the same course as was pursued by the courts of law. Such, too, was the proper course for the House to follow, and if they maturely considered who was to blame, they would find, that such a proceeding was right, and if they determined to adopt it t ey might rest assured that there would be no occasion for any such extreme measure. They had only to show a determination to act, and that would certainly lead to a constitutional settlement of the whole question. Did they ask how the matter would be easiest settled. Let them look to the Parliament. Much had been said, of not attacking an inferior, and in favour of proceeding at once against the superior, but he would give them an instance of how the House had formerly proceeded. In 1604 a Member of the House had been taken in execution for a sum of 4,000*l.*, and a doubt had arisen whether, if once discharged, he could be taken again. The warden of the Fleet had refused to obey the writ of *habeas corpus* which had been issued in the case, and the House had in consequence committed him to the Tower. The wife of the warden next refused to deliver up the Member, and the warden had then been brought from the Tower and committed to the prison of Little Ease. The warden at last consented to obey the warrant of the House, and the Member was ultimately discharged from the Fleet. Such was the proper course to have pursued in the present case, and why, he would ask, had it not been adopted? There could have been no doubt of their right to act now, as the House of Commons had done then, and (so we understood the hon. and learned Gentleman) in the case of "Benyon *v.* Evelyn," which had been overruled, the privilege asserted had been confirmed by three Acts of Parliament, and had only been abandoned in the reign of George 3rd. But the question was, what was the proper course? Would they strike out a new course, or pursue the old, which time and precedent had sanctioned? Was not the old the safest course? He would say, if a considerable majority of that House were of opinion, that the privilege of publishing their proceedings was necessary to the proper discharge of the functions of the House, that the safest course was to stop the execution through the sheriff. But, if the difference of opinion was great, and if a large portion of the House considered that they ought not to act in the manner he had proposed, then he would say, that it was better that privilege should die a natural death, than that the House should enter on a struggle in which a division of opinion must produce defeat. That which was wise when the House was united, he should consider rashness when the House was divided in opinion. Such were his sentiments, and he had now to thank the House for the indulgence which they had granted him in stating his views.

Sir *E. Sugden* said, he could assure the House, that he did not rise for the purpose of answering the able speech of his hon. and learned Friend who had just sat down. In a great deal of what had fallen from the hon. and learned Gentlemn, he fully concurred, and the only question in his mind was relative to the special circumstances of the present case. In his opinion this was not a case of libel, and it ought not to have been treated as a question of libel by the judges, but simply as a communication to the House which was necessary to enable them to frame a measure for the improvement of prisons. In making that declaration, he was emboldened in some measure by the opinions which he held in regard to the publication of the proceedings of the House. It was his impression, that the House was not justified in publishing their reports and proceedings in the manner which was at present acted upon. He thought those reports were published without due examination and care, and he should wish to see rescinded the resolution which the House had come to sanctioning the sale of all the papers which were printed by its orders. He also thought that the committee on printed papers ought to have the duty intrusted to them of deciding on the propriety of publishing reports and other accounts of their proceedings. He would wish to give an assurance to the public, that the House was disposed to send out no paper likely to prove injurious to individuals, and that due caution was exercised in deciding on the propriety of publishing any report or other document. One of the learned judges had said, that he was desirous to avoid using any language calculated to offend, but that he could not help asking, whether any public benefit resulting from the publication of Parliamentary proceedings could make up for the injury done to individuals, and inflicted on the House itself by its trading in books? Such also was the opinion of the Lord Chief Justice. The reason why he had alluded to this subject was, because the judges seemed to have been strongly impressed with the idea, that the House had allowed the sale of its proceedings, without due care having been exercised to prevent the publication of defamatory matter, that the House allowed the publication of reports without due deliberation and caution. It was also his misfortune to differ with his hon. and learned Friend, in the opinion that that House was generally and without qualification the best and only judge of its own privileges. He thought that some limit ought to be made, and that some line ought to be drawn. None of the known privileges of the House had been denied; but there were cases which might come before the courts of law, without any question being raised as to the known and necessary privileges of the House. In the case of "Burdett *v.* Abbott," Lord Ellenborough, who had decided in favour of the Speaker, had said expressly, that cases might arise in which the court must decide against the privilege of Parliament. He would put an extreme case. If the House were to violate any of the rights of the subject, it could not be doubted that the courts ought to afford protection. He agreed in the opinion, that this was not a case of libel, and that the House was right in contending for the propriety of the publication of the report on which the action was founded. He wished, that in the discussion before the Court, it had been possible to confine the attention of the Court to the point, whether or not the House had a right to publish this particular report? If that point alone had been kept in view, he conceived, that it would have been difficult for any court to pronounce for the plaintiff, but unfortunately the discussion had taken a different turn, and the whole of their privileges had in consequence come in question. The plea of his hon. and learned Friend the Attorney-general was a very proper one—no one found fault with it; but there was this difference of opinion about it, that the judges were entitled to pronounce on the whole plea. The Chief Justice so stated, and Mr. Justice Coleridge said, that they were bound to judge and decide according to their conscience and according to their opinion of the law. His hon. and learned Friend Mr. Sergeant Wilde had made a great point of the appellate jurisdiction of the House of Lords, but he seemed to have forgotten that the case of "Burdett and Abbott" went to the House of Lords, and that House had adjudicated upon it, and yet that involved some of the dearest privileges of the Commons, as much as the present case could. Now he agreed with his hon. and learned Friend, that in this particular case the House had the right to publish the document, and that the Court of Queen's Bench was wrong in its judgment, and if his hon. and learned Friend had addressed the House at the time that Stockdale brought his action, he would have agreed with him that the House would have been fully justified in committing him for a contempt of its privilege; but the point on which he differed from his hon. and learned Friend was this, that special circumstances had occurred in this case which ought to prevent the House going further with it. His hon. Friend asked were they afraid to vindicate their privileges? He contended that they had done so. They had already rescinded in effect their resolution. Now, let the House see what would be the consequence to the sheriff in this case. If he refused to obey the Court of Queen's Bench, it would issue an attachment against him; and if he did issue execution, the House would commit him; and let it also be observed, that in half an hour after his refusal to issue execution, Stockdale might commence an action against him. Would the House in that case commit Stockdale? Would they deprive him of the fruit of that action which they had disputed with him? What they should have done was, to have stopped him in the beginning. Instead of that they had argued the whole matter with him, day by day and step by step, and after that to interfere and deprive him of the fruit of the judgment pronounced in his favour, and to lay him by the heels just as he was about to reap the fruits of his action—to do this would bring the general feeling of the country against them. This was a course which he was sure the House would not dare to adopt. He said would not dare, because he was sure the House would not dare to do that which it knew to be wrong. Let the House look at the consequence if the House proceeded against the sheriff. That officer would most undoubtedly resist the authority of the House, and would obey that of the Court of Queen's Bench. If the House should proceed against the sheriff and commit him, the Court, as a matter of course, would vindicate its authority and that of its officer, and should he be, as unquestionably he would be, brought before the court by a *habeas corpus*, the court would at once discharge him. What course would then be open to the House? Would they call the judges of the court to the bar of that House? But if they did, would not that be punishing the judges for the conscientious discharge of their duty? For, as had been well remarked by Mr. Justice Coleridge, the judges had not invited the case before them. It had been brought under their jurisdiction in the ordinary way, and they could do nothing else than decide it conscientiously. He should be ashamed for the profession to which he belonged if the judges of the land should be called to the bar of that House for such conduct. His hon. and learned Friend had talked of the risk of having the privileges of that House brought under the jurisdiction of the House of Lords; but suppose the verdict had been against Stockdale, what was there to prevent his bringing a writ of error, and from taking the case by appeal to the House of Lords, and there the question of deciding on the privileges of the Commons would be argued, and probably finally decided. In conclusion he would again express his opinion that the publication in this case was not a libel, and that the Court of Queen's Bench was wrong in its judgment; but still he must repeat his conviction that the House had let the proper time for asserting its privilege go by, and on this ground he must give his vote against the amendment.

The *Solicitor-General* would not interfere but a few moments; but he could not shrink from declaring to the House that opinion which he had deliberately formed, and declared in the committee, more particularly as he had the misfortune, on that occasion, to differ with his hon. and learned Friend, the Attorney-general. He at once admitted that his reason for not adopting the proposition included in the amendment was, that, under the circumstances of this case, it was absolutely impossible for the House to take the extreme course suggested, without outraging the feelings of every person in the community. He was aware that he differed from a great number of his friends on this subject, but he begged to suggest to them shortly the grounds on which he had come to that conclusion. His right hon. and learned Friend, the Member for the Tower Hamlets, had pointed out the extremely good case the House had got in order to assert their privilege. If, indeed, they looked to the subject matter of the libel, as it was called, he admitted that they had a case so strong, and so irresistible, that he never could hope for the possibility of a case upon which to try the question with such advantage. That might be conceded. But that was not the only question to be considered; for if, by enforcing this order, they should carry with it not only the appearance, but the reality of extreme injustice, then he thought the very first step they took would compensate all the advantages the case gave to them. In what would the extreme injustice of such a proceeding consist? If, in the beginning, they had said that the action should not be brought, they then would have imposed an injunction upon the person bringing the action; and if he brought it, it would have been an act of volition on his part, because he might, or might not, and the House had a right to say, "If you do bring the action, we will punish you." According to his experience of the proceedings in the Court of Chancery, the practice respecting injunctions had been erroneously represented. The court did not restrain the Sheriff, but it restrained the counsel, agent, and attorneys of the party, all of whom were persons who were at liberty to act, or not to act. Now, analogous to this practice of the Court of Chancery, the House of Commons might have said to Mr. Stockdale, "You shall not bring this action;" and if he acted in defiance of that injunction, the House might have committed him, his counsel, agent, and attorneys. But it was admitted, that the House could not commit the Judges of the Court of Queen's Bench. They were called upon to give their opinion on the case; they did so: they could not help doing so. It would be most absurd, therefore, to proceed against them. But was not the same argument exactly applicable to the case of the Sheriff? He took an oath that he would execute all the Queen's writs that were put into his hands. He would tell you, "I have taken an oath which absolutely binds me to execute this writ. Could you reply, "Never mind that; you shall not do it?" He could only say, that if they had at first proceeded against the party, and had by degrees got up to this last and ultimate step, it would still have appeared to him to have been a most desperate remedy; but, in the present case, it was proposed that the House should commence with that act of injustice. That was one great objection he had to proceeding further. But there was another objection; the House, by so acting, would do no good. If they committed the Sheriff, he would remain in prison till the end of the session; he would then come out, and execution on the judgment would be levied. What, then, would the House do during the next session? They could not commit the Sheriff; for he would be out of office, and another would have been appointed, against whom no proceedings could be taken, as he would not have had anything to do with the matter. They would, therefore, find themselves at last just in the same predicament as they were in now. He, therefore, had come to the conclusion, that whatever course they might pursue hereafter, they could not persist in proceeding further in the present case. The hon. and learned Gentleman concluded by eulogizing, in very high terms, the speech of Mr. Sergeant Wilde, which he declared was one which, whether for depth of research, or clearness of arrangement, or aptness of illustration, was certainly very seldom equalled, and never could be surpassed.

Mr. *Williams Wynn* would trespass but a few moments on the House, as he considered that the admirable speech of the hon. and learned Gentleman (Mr. Sergeant Wilde) had completely exhausted the subject, and urged, in a most efficient manner, the best arguments which could be adduced on that side of the question which he espoused. He considered that there was no choice between maintaining their privileges and giving them up altogether, and therefore he must support the proposition for resisting the execution of the judgment. He declared this upon the broad principle that the House had a distinct and exclusive right to decide upon its own privileges. The very privilege of publishing and even selling their documents, had, with the exception of a brief interval when it was interrupted, been exercised ever since 1680. The present judgment was not confined to the privilege of publishing only, but denied wholly the existence of any law of Parliament which the judges of Westminster Hall were not to decide upon as freely and as absolutely as on any other part of the common law. This was in direct opposition to the answer of the judges as given in the case of Thorn, in the reign of Henry 6th., and ever since recognised as an authority by every judge. He would not now detain the House by going through the long catalogue of judges of the highest eminence who (with the exception of Lord Holt) had uniformly admitted this exclusive privilege of the two Houses of Parliament, but what said the best text writers? Mr. Justice Blackstone quoted the following passage from the words of Lord Coke, "Whatever is enacted of law by one or two only of the three branches of the legislature is no statute, and to it no regard is due unless in matters relative to their own privileges." That was an exception made by Lord Coke; but was that all? He afterwards added, "The whole of the law and the custom of Parliament, has its origin from this one maxim, that whenever matter arises concerning either House of Parliament it ought to be examined, discussed, and judged in that House to which it relates and not elsewhere." Now the report of the committee did not state the privileges of the House in more express terms than those used by Lord Coke. He proceeded to comment on the judgment of Lord Denman, which, highly as he respected that learned person, appeared to him rather to bear the character of the argument of an advocate than the judgment of a judge. Of this spirit there could be no stronger instance than the passage already cited, where his Lordship declares, that "whether the book found in the possession of a prisoner in Newgate (in a room where he was confined with two other *young* prisoners) were obscene or decent could have *no influence* in determining how prisons can best be regulated." Every extra-judicial expression tending to intimate a doubt as to the extent of privilege is carefully collected and urged to the utmost, while the weight of the repeated decisions of the ablest judges and of the uninterrupted and unquestioned exercise of these privileges by both Houses of Parliament is studiously evaded, or set at nought as proceeding only from usurpation. A principal argument in which Lord Denman has followed Lord Brougham is derived from the proceedings of the House of Commons against individuals for trespasses on the lands of Members, which he treats as an illegal usurpation, and he asks whether "supposing, in the celebrated case of Admiral Griffin, one who claimed a right of fishing in his ponds, had brought an action against the officer who seized him, who justified the imprisonment under the Speaker's warrant, alleging his high contempt in daring to fish in a Member's pond. *Would not the Court of King's Bench have been bound to enquire as to the privilege* and to declare that it did not, and could not, extend to such a case? This question is repeated by Mr. Justice Littledale, and yet the latter admits, that "in the case of commitments for contempts, there is no doubt but the House *is the sole judge* whether it is a contempt or not, and the courts of common law *will not enquire* into it." This admission would sufficiently answer the question, but even if the case be examined into, it will be found that the House did not exceed its authority as it then existed by law. The lands and estates of Members were then protected by the act of Parliament as much as their persons. The principle upon which privilege of Parliament against all sorts and proceedings originated, was, that during the time of the attendance of Parliament the attention of Members of either House should not be drawn away by the necessity of defending their private rights against actions at law. The commonest mode of instituting such proceedings, was by entry, and at earlier periods when the sessions were short, when communications with the country was dilatory and uncertain, when the attorneys in the distant parts of the kingdom had no agents in London, it by no means appears that such protection was unreasonable, though it may be readily admitted, that it was continued long after the reasons for its existence had ceased. This protection for persons, servants, *lands*, and goods, is stated by Blackstone to be an immunity as antient as Edward the Confessor, and continued to be expressly claimed by the Speaker in his address to the Throne at the commencement of every parliament. It was constantly enjoyed by the Members of both Houses, and was enforced by the Lords even more frequently than the Commons, down to the reign of George 3rd., in the tenth year of whose reign this privilege was by statute limited to the protection of the *person* from arrest. It is not a little remarkable that while these judges wholly deny the authority of a declaration of either House of Parliament respecting its own privileges—they entirely overlook and pass over in silence the language of the Court of Common Pleas on Mr. Wilkes's case—in which Lord Camden and the other judges of that court had unanimously decided that privilege of Parliament did extend to cases of writing and publishing seditious libels. The two Houses of Parliament passed resolutions declaring that it did not so extend. Now, if these resolutions had no authority, as now contended, they would be equally invalid against the privilege of a member as they would in his favour, yet we find Mr. Justice Gould, instead of maintaining the judgment of that court, subsequently thus expresses himself, "Even in that case we now know we were mistaken, *for the House of Commons have since determined* that privilege does not extend to matters of libel." Yet Mr. Justice Patteson denies that a resolution of the House of Commons can be binding on the courts of law. It was now exactly twenty-nine years since, in the case of Burdett and Abbott, he remonstrated against the House instructing the Attorney-General to appear and plead to the action.* He thought the House ought to have proceeded by their ancient weapons—those of the committal of all the parties engaged in that action. He made a motion to the effect that all the persons who should be concerned in carrying on that action would be guilty of a great breach of the privileges of the House. That motion did not meet with the support of the majority. It was opposed by Mr. Perceval and Mr.

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* See Parliamentary Debates, June 1, 1810.

Charles Yorke, who were at that time Ministers of the Crown; but he had always the satisfaction of reflecting that the motion was supported by Sir Arthur Pigott and Mr. Adams; also by Lord Althop and the highest constitutional authorities of the day. The House had to night been told, that it would be the height of injustice to commit the sheriff for executing the process of the court, and that he was sworn to obey the Queen's writ. That he had an oath in Heaven. Now this would equally have applied to any writ which a plaintiff might have sued out for arresting a Member's person. The Sheriff was equally sworn to execute such writ, yet if he presumed so to do, it was well known and established in every case from the time of Henry 8th., that he would immediately be sent to prison by order of the House. He reprobated the course recommended, as pusillanimous and wholly inefficient. The House was advised now humbly to submit and acquiesce in the attack on their privileges, but to threaten loudly what they would do on a similar occasion in future. It reminded him of the bully on the stage, he believed *Noll Bluff*, who when pricked, turns round, and, with a dignified demeanour says, "*well, sir, I shall find a time.*" Besides, what would be the inevitable consequence? It was probable that the House would be prorogued in the course of a month. The present plaintiff, or some other, would then commence another action against the printer of the House for any criminatory matter which had been printed during the last three years. Upon this he would recover damages, and when the House met again the proceedings would be in the same stage, and the House would be in the same situation as at present, with the difference that they would be prejudiced and enfeebled by a previons submission. How, then, was the contest and collision, which he deplored as much as any man, to be remedied and ended? He should answer, by a declaratory Bill, to which he did not feel the objection stated in the Report of the Committee. He agreed with that Report in looking at this question as one which it would be highly improper to submit *judicially* to the House of Lords. He was as jealous as any man against bringing the privileges of that House before the House of Lords by a writ of error; because it would be bringing them before the Lords as judges for them to act in a judicial capacity. But if they passed a declaratory law, and went to the Lords for their assent to the same, they would be calling on them as co-ordinate legislators equally interested in preserving the privileges of both Houses. He did not think that a declaratory bill, even if it should not pass the Lords, would, by its failure, weaken the privileges; they would still be able to support and enforce them by all the means in their power. When this question was argued before, he told the House that they must make up their minds either to protect their privileges or not; and that if they did not mean to protect their privileges to the utmost of their power, they had better give them up at once, or they would be driven into a corner at last, and be compelled to choose between submission or a resort to the severe and extreme remedy of resistance.

Viscount *Howick* said, having had the honour of being in the chair in a committee to which the same subject was referred two years ago, he could not suffer this debate to close without saying a very few words as to what were the grounds on which his vote of that evening would be given. The hon. and learned Gentleman the Member for Newark had argued so admirably, and, in his opinion so unanswerably, that on the general question he need not add one single word. He thought the hon. and learned Member for Newark had demonstrated beyond the power of any answer, and almost beyond the power of all answer, that they possessed that particular privilege of being able to publish such papers as they thought necessary, without question, and also still the higher and more important principle, that that House was the last and only judge of its own privileges. He thought the hon. and learned Gentleman had demonstrated both these points, and he believed that a very large majority of that House concurred with him in that opinion. The only question on which he wished to say a single word was what, under present circumstances, was the course which ought to be adopted with a view of maintaining those ancient and valuable privileges, which the hon. and learned Gentleman had shown that they possessed. On this point, he confessed he had heard with great astonishment, indeed, the speech of the right hon. Member for Ripon (Sir E. Sugden). He said, that "the case was no libel which had been brought before the Court of Queen's Bench;" and yet the course which he recommended to them was to rescind the resolution of 1835, authorizing the sale of their papers. In what way would such a step as that contribute to relieve them? Why, in courts of justice all parties were agreed that the question of law was in no way affected by the sale of these papers. What good, therefore, would it have done to rescind that resolution, except to encourage further encroachments? If anything would tend to confirm him in his opinion, it would be the reason which the right hon. Gentleman had assigned for recommending this course; "Do this, because whatever the reason for binding us to the sale of these papers, still the feeling is against it." So Mr. Justice Coleridge, and another learned judge, Lord Chief-justice Denman, had shown that it was not "constitutional" in the House to "become a trader in books." The judges on this point had only shown their utter and entire ignorance. The House of Commons was no "trader in books;" the House of Commons did not "raise money illegally or unconstitutionally," by selling the papers which it printed. And Lord Denman, in using this language, calculated to create an impression against the House of Commons, stated that he had read the former reports of the committee on printed papers, in which it was stated that the papers were sold at far less than they cost; and whether to profit or not, that House, as a branch of the Legislature, had no concern in the subject. The whole was managed in the only manner in which it could be managed—by the executive authorities acting under the Crown. It was by the Lords of the Treasury this was managed. Mr. Hansard accounting for the sale of the papers to them, and the produce went towards defraying the charge of printing. The House of Commons no more raised money by the sale of these papers, than it raised money by the sale of Ordnance stores in diminution of the Ordnance expenses. And because two judges had shown, he must say, in their situations, most blameable ignorance on that point; they were to rescind that regulation, which, he would say, it was on many accounts most important to the House to adopt. The right hon. Gentleman said they ought to be more cautious in publishing their papers. Had any one shown yet that a proper want of caution existed? Where was a proper want of caution shown? Was it in this individual case? Could the justice of the case of Mr. Stockdale be brought forward as was stated in the speech of the Member for Newark? So far as he had seen anything of the House of Commons, there had been a great and laudable anxiety to avoid, as far as possible, wounding the feelings of private individuals. He appealed to the hon. Gentleman below, who was chairman of the committee on transportation, if they did not leave out particulars and names which were necessary in order to give the country the means of scrutinizing the truth of statements in the reports, whether they did not err on the side of excluding information? He must say, he had seen the same course pursued in every case. He would not deny that there might not accidentally have been printed petitions, in which hon. Members, in not telling the House what the petitions were, might have abused the confidence of the House, and have moved injudiciously for the printing of the petitions; but of late years the House of Commons had been far more cautious on the subject than it used to be formerly. The right hon. and learned Gentleman must remember that the sale of petitions, which had been the great medium of conveying calumny and slander, that the printing of those petitions, and the selling of them, did not date from the year 1835. The regular sale of votes by the printers of that House had never ceased; it had been in uninterrupted practice for more than a century and a-half. That had been the regular and uninterrupted practice; and, when the judges told them that those votes contained no criminatory matter, that was another example of with how little of that ordinary information and of caution which ought to be observed in a case of this kind the judges had taken on themselves to pronounce on this case. The votes had often contained facts conveying the severest censure on individuals. Why, the other day, had they not published a very severe censure on an individual who had attempted to commit a fraud on that House, and might not Benjamin Lovibond have prosecuted the printer for publishing that censure? The very first act of the Speaker had been to reprimand this person for the fraud he had committed. It was necessary that the public should know that reprimand, and yet for publishing that reprimand they knew their officer was liable to a prosecution. But he wished to return to the point on which alone he wished to address the House, with respect to the course they were to adopt. If they were not to rescind their order for selling papers, if they were to maintain their privileges, the question was, were they to take the course recommended by the hon. Member for Bridport, or were they to allow Mr. Stockdale to receive the 100*l.* awarded to him? He was far from denying that there was great weight in the argument of the hon. Baronet (Sir E. Sugden) on the effect of public opinion on their past proceedings; he thought the answer of his hon. and learned Friend the Member for Newark, might be correct, but, at the same time, in having allowed Mr. Stockdale to proceed as he had proceeded, without having hitherto taken any steps, they had, to a certain extent, in public estimation, committed the House. And he had no doubt, that, what the hon. and learned Gentleman (Sir E. Sugden) had said about the plea being put in was correct; but he could not help thinking, that when the plea was put in, and the Attorney-general was directed to support it by arguments, that it should have been left to the court to deal with it as it thought proper, and they ought to have committed Mr. Stockdale, his attorney, and counsel. That would have been the proper course. Having committed that error, being to a certain degree in a disadvantageous position already, they would make that position more or less disadvantageous by persevering in the course they had adopted. He confessed it was a point on which he had had great difficulty in making up his mind. For a long time he had been of the opinion of the right hon. Baronet. He was, however, ultimately led to adopt the conclusion, that upon the whole, admitting their difficulties to be increased by the injudicious step they had taken, still, on the whole, it was safer to concede no further. If they must make a stand ultimately, it was better to make it now, and run some disadvantage, than by again taking a step which would incur the entire abandonment of their right. He confessed he had been greatly confirmed in that view, by the manner in which this question had been argued by those Gentlemen who were in favour of the present concession. He found that the great majority of the Gentlemen who did advocate that course were like those who, like the hon. Member for Ripon, conceived that that House had no real means of protecting its own privileges. [Sir *E. Sugden* made an observation that that was not his opinion.] He was glad to hear that that was not the opinion of the right hon. and learned Gentleman. But still it did appear to him, that there was a strong leaning in his mind, that in a conflict with the courts of law, when it came to the last extremity, the House of Commons must yield. The Solicitor-general had argued under that impression. When a person argued under an impression of ultimate defeat, he must confess he was jealous of following their advice; he would rather act under the advice of those who trusted and hoped, from their conscience, that they should ultimately succeed. He trusted that they had a warning in the concessions which they had made. When, influenced by the opinions of his hon. Friends near him, he had concurred in the resolution that the Attorney-general should be directed to plead, and appear in this case, he certainly was not prepared to concede that the concession then made was to afford such arms against them hereafter; and the speech of the hon. Baronet, the Member for Oxford, and the speech of the Member for Ripon, that evening, showed him very clearly that if they made another step in the road to concession, it would be extremely difficult for them again to stop. He was not one of those who believed that their taking that course would make their future assertions of their privileges hopeless; he trusted that that would not be the case, because he anticipated that the decision of the House would be very contrary to what he desired. He should be sorry, indeed, if that decision should irrevocably debar them from a future assertion of their privileges; he hoped that that would not be the case. He had now stated, very imperfectly he was aware, the chief grounds which had induced him to come to the conclusion that they ought now to take measures for preventing the execution of the judgment. Having avowed that opinion in the Committee, he thought he was bound to avow it there, and he certainly should give his vote in favour of the amendment of the hon. Member for Bridport.

Mr. *F. Kelly* wished to offer some observations in reply to the statements of the noble Lord relating to the judges, [*Criei of divide.*] If the House would not afford him a hearing for a few moments, he should be reduced to the painful necessity of moving an adjournment. The judges every where but there were treated with the respect due to them. The noble Lord had thought fit (he hoped he might not say deliberately) to attribute to the learned judges who were not there to answer for themselves, what the noble Lord had stated. He ventured to tell the noble Lord, that he might esteem himself happy if his speeches, in or out of the House, were distinguished by the sound constitutional learning which was to be found in any one of the judges to whom the noble Lord had alluded. With regard to the resolution of the noble Lord, it did appear to him that that House was brought by it into a condition in which it could not recede with dignity, advance with consistency, nor stand still with safety.

The House divided on the original question. Ayes 184; Noes 166. Majority 18.

List of the Ayes.

Acland, Sir T. D.
Acland, T. D.
A'Court, Captain
Alsager, Captain
Anson, hon. Colonel
Archdall, M.
Bagge, W.
Bagot, hon. W.
Baillie, Colonel
Baker, E.
Baring, F. T.
Baring, H. B.
Baring, hon. W. B.
Barneby, J.
Barrington, Lord
Bentinck, Lord
Berkeley, hon. G.
Bernal, R.
Bethell, R.
Blackstone, W.
Blandford, Marquess
Blennerhassett, A.
Boldero, H. G.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Bruges, W. H. L.
Buck, L. W.
Buller, Sir J. Y.
Burroughes, H.
Calcraft, J. H.
Canning, Sir S.
Christopher, R.
Chute, W. L. W.
Clive, hon. R. H.
Cole, hon. A. H.
Colquhoun, J. C.
Conolly, E.
Cowper, hon. W. F.
Cresswell, C.
Dalrymple, Sir A.
Darby, G.
De Horsey, S. H.
D'Israeli, B.
Douglas, Sir C. E.
Dowdeswell, W.
Duffield, T.
Dunbar, G.
Duncombe, T.
Duncombe, hon. A.
Du Pre, G.
East, J. B.
Eaton, R. J.
Egerton, W. T.
Egerton, Sir P.
Farnham, E. B.
Feilden, W.
Fellowes, E.
Ferguson, Sir R. A.
Fitzpatrick, J. W.
Fremantle, Sir T.
Freshfield, J. W.
Gladstone, W. E.
Glynne, Sir S. R.
Goulburn, H.
Greene, T.
Grimsditch, T.
Hale, R. B.
Halford, H.
Harcourt, G. G.
Hardinge, Sir H.
Hawkes, T.
Heathcote, Sir W.
Heneage, G. W.
Henniker, Lord
Hepburn, Sir T. B.
Herries, rt. hon. J.
Hinde, J. H.
Hobhouse, Sir J.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Holmes, hon. W.
Hope, hon. C.
Hope, G. W.
Hotham, Lord
Houldsworth, T.
Hughes, W.B.
Hurt, F.
Ingestrie, Lord
Ingham, R.
Inglis, Sir R. H.
Jackson, Mr. Sergeant
Jones, J.
Kelly, F.
Kemble, H.
Kelburne, Viscount
Knatchbull, Sir E.
Knight, H. G.
Law, hon. C. E.
Lefroy, T.
Lincoln, Earl
Litton, E.
Lockhart, A. M.
Lowther, Colonel
Lowther, J. H.
Lygon, hon. Gen.
Macaulay, T. B.
Mackenzie, T.
Mackenzie, W. F.
Mackinnon, W. A.
Maclean, D.
Manners, Lord G.
Master, T. W. C.
Meynell, Captain
Miles, P. W. S.
Miller, W. H.
Mordaunt, Sir J.
Morpeth, Lord
Neeld, J.
Nicholl, J.
Norreys, Lord
Owen, Sir J.
Packe, C. W.
Pakington, J. S.
Palmer, R.
Palmerston, Lord
Parker, M.
Parker, T. A. W.
Peel, rt. hon. Sir R.
Pemberton, T.
Perceval, hon. G. J.
Philips, G. R.
Pigot, R.
Plumptre, J. P.
Polhill, F.
Praed, W. T.
Pringle, A.
Rae, Sir W.
Rice, T. S.
Richards, R.
Rickford, W.
Rolfe, Sir R. M.
Rolleston, L.
Round, C. G.
Round, J.
Rushbrooke, R.
Russell, Lord J.
Shaw, F.
Sheppard, T.
Shirley, E. J.
Slaney, R. A.
Smith, A.
Smyth, Sir G. H.
Spry, Sir S. T.
Stanley, hon. E. J.
Stanley, E.
Stanley, Lord
Stanley, M.
Stormont, Lord
Sturt, H. C.
Style, Sir C.
Sugden, Sir E.
Teignmouth, Lord
Thomas, Colonel H.
Thomson, C. P.
Thompson, Alderman
Towneley, R. G.
Tyrrell, Sir J. T.
Vere, Sir C. B.
Verner, Colonel
Vivian, J. E.
Waddington, H. S.
Whitmore, T. C.
Williams, R.
Wilmot, Sir J. E.
Winnington, T.
Wodehouse, E.
Wood, Sir M.
Wood, Colonel T.
Wyndham, W.
Yates, J. A.
Young, J.
Young, Sir W.

TELLERS.
Smith, V.
Mahon, Lord

List of the Noes.

Abercrombie, G.
Aglionby, H. A.
Aglionby, Major
Ainsworth, P.
Alcock, T.
Alston, R.
Andover, Lord
Archbold, R.
Attwood, T.
Bainbridge, E. T.
Barnard, E. G.
Barron, H. W.
Beamish, F. B.
Bewes, T.

Blackett, C.
Blake, M. J.
Blake, W. J.
Bodkin, J. J.
Bolling, W.
Bowes, J.
Brabazon, Sir W.
Bridgeman, H.
Briscoe, J. I.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Brownrigg, S.
Busfeild, W.
Campbell, Sir J.
Cavendish, C.
Cavendish, hon. G.
Cayley, E. S.
Chapman, Sir M.
Chester, H.
Chichester, J. P.
Clay, W.
Clements, Lord
Codrington, Admiral
Collier, J.
Collins, W.
Courtenay, P.
Craig, W. G.
Crawford, W.
Curry, Sergeant
Duff, J.
Dundas, C. W. D.
Dundas, hon. J.
Dundas, Sir R.
Dungannon, Lord
Edwards, Sir J.
Elliott, hon. J. E.
Ellice, right hon. E.
Ellis, W.
Euston, Earl of
Evans, G.
Evans. W.
Ewart, W.
Fielden, J.
Finch, F.
Fitzroy, Lord C.
Fleetwood, Sir H.
Fort, J.
Gibson, T. M.
Gillon, W. D.
Gordon, R.
Gore, O. J. R.
Gore, O. W.
Greenaway, C.
Grey, rt. hon. Sir G.
Grosvenor, Lord
Guest, Sir J.
Hall, Sir B.
Heathcoat, J.
Hector, C. J.
Heneage, E.
Hindley, C.
Hobhouse, T. B.
Howard, F. J.
Howard, P. H.
Howick, Lord
Hume, J.
Hutt, W.
Hutton, R.
James, W.
Jenkins, Sir R.
Johnson, General
Kinnaird, hon. A.
Labouchere, H.
Langdale, hon. C.
Leader, J. T.
Loch, J.
Lushington, C.
Lushington, S.
Macleod, R.
Macnamara, Major
Marshall, W.
Marsland, H.
Martin, T. B.
Maule, hon. F.
Miles, W.
Molesworth, W.
Moreton, hon. A.
Morris, D.
Murray, A.
Norreys, Sir D. J.
O'Brien, W. S.
O'Callaghan, C.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
O'Conor Don
Paget, F.
Palmer, C. F.
Parker, J.
Parker, R. T.
Parrott, J.
Pattison, J.
Pendarves, E. W.
Philips, M.
Phillpotts, J.
Pryme, G.
Redington, T. N.
Rice, E. R.
Roche, W.
Roche, Sir D.
Rumbold, C. E.
Rundle, J.
Russell, Lord C.
Rutherford, A.
Salwey, Colonel
Sandon, Lord
Scarlett, hon. J.
Scholefield, J.
Scrope, G. P.
Sharpe, General
Sinclair, Sir G.
Somers, J. P.
Stanley, W. O.
Stansfield, W. R.
Steuart, R.
Stewart, J.
Stuart, Lord J.
Stuart, W. V.
Stock, Dr.
Strickland, Sir G.
Strutt, E.
Talbot, C. R. M.
Tancred, H. W.
Turner, E.
Turner, W.
Vigors, N. A.
Villiers, hon. C. P.
Vivian, J. H.
Vivian, Sir R. H.
Wakley, T.
Wallace, R.
Ward, H. G.
Westenra, H. R.
Williams, W.
Williams, W. A.
Wood, C.
Wood, G. W.
Wynn, C. W.
Wyse, T.

TELLERS.

Wild, Sergeant
Warburton, H.

Resolution agreed to.

On the second resolution,

Sir *R. H. Inglis* said, at that late hour, and particularly as this resolution had been fully discussed with the former, he should not detain the House with any observations upon it. He would state his objection to it in one sentence—namely, that this resolution postponed, perhaps until the year 1842, any ulterior proceedings with reference to this subject. On these grounds he should meet it with a negative.

Mr. *Hume* inquired, how soon any ulterior measures would be brought forward, as until then it would be necessary to put an end to all the printing of the House, because, as the House would not now be able to defend its own servants who distributed them, it must bend its neck to the yoke. The position of the House was most humiliating and disgraceful. He understood that there was no more information to be acquired by the committee, and therefore there would be little difficulty in any Member connected with the committee answering the questions he had put.

Lord *J. Russell* said, of course he could not positively answer for the committee; but he saw no reason why there should be any long delay. He must, however, take this opportunity of stating, that he did not think the House bound to wait for the production of any report from the committee, for a notice might be given by any hon. Member to-morrow for the introduction of a measure. He was sorry the hon. Member for Kilkenny felt such humiliation at the result of this discussion.

Mr. *Hume* denied that he had any share in the humiliation of the House. He had said from the first of these proceedings that the House would be dragged into the mud, and now it had got completely into a quagmire.

The House divided:—Ayes 133; Noes 36; Majority 97.

List of the AYES.

Acland, T. D.
A'Court, Captain
Aglionby, H. A.
Alsager, Captain
Archbold, R.
Baring, H. B.
Barrington, Lord
Beamish, F. B.
Bentinck, Lord G.
Bethell, R.
Blake, W. J.
Blennerhassett, A.
Boldero, H. G.
Bramston, T. W.
Bridgeman, H.
Brotherton, J.
Bruges, W. H.
Buller, Sir J. Y.
Busfeild, W.
Campbell, Sir J.
Cayley, E. S.
Cole, hon. A. H.
Cowper, hon. W.
Curry, Sergeant
De Horsey, S. H.
Douglas, Sir C.
Dunbar, G.
Duncombe, T.
Duncombe, A.
Dungannon, Lord
Egerton, Sir P.
Evans, W.
Ewart, W.
Fellowes, E.
Ferguson, Sir R.
Finch, F.
Gibson, T. M.
Gordon, R.
Goulburn, H.
Grey, Sir G.
Grimsditch, T.
Hale, R. B.
Hardinge, Sir H.
Hepburn, Sir. T.
Herries, J. C.
Hobhouse, Sir J.
Hodgson, F.
Hodgson, R.
Holmes, hon. W.
Hope, hon. C.
Hope, G. W.
Howard, P. H.
Howick, Lord
Hughes, W. B.
Hume, J.
Hutt, W.
Hutton, R.
Jackson, Sergeant
Kelburne, Lord
Kinnaird, A. F.
Knight, H. G.
Labouchere, H.
Langdale, C.
Lincoln, Earl
Litton, E.
Loch, J.
Lockhart, A. M.
Lushington, S.
Macaulay, T. B.
Mackenzie, W. F.
Macleod, R.
Mahon, Lord
Marshall, W.
Maule, hon. F.
Morpeth, Lord
Nicholl, J.
O'Conor Don
Packe, C. W.
Pakington, J. S.
Palmer, C. F.
Palmerston, Viscount
Parker, R. T.
Parrott, J.
Peel, Sir R.
Pendarves, E. W.
Philips, M.
Pigot, D. R.
Praed, W. T.
Pringle, A.
Pryme, G.
Rice, right hon. T. S.
Richards, R.
Roche, W.
Round, C. G.
Round, J.
Rundle, J.
Russell, Lord J.
Rutherfurd, A.
Salwey, Colonel
Scarlett, hon. J.
Shaw, right hon. F.
Sheppard, T.
Stanley, E.
Stanley, Lord
Stanley, M.
Stansfield, W. R.
Stewart, J.
Stuart, W. V.
Stock, Dr.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Sugden, Sir E.
Teignmouth, Lord
Thomson, C. P.
Townley, R. G.
Turner, W.
Verner, Colonel
Vigors, N. A.
Waddington, H.
Wallace, R.
Ward, H. G.
Whitmore, T. C.
Wilde, Mr. Sergeant
Williams, W. A.
Winnington, T.
Wodehouse, E.
Wood, C.
Wood, G. W.
Wyndham, W.
Wynn, C. W.
Wyse, T.
Young, J.

TELLERS.
Smith, V.
Parker, J.

List of the NOES.

Bagge, W.
Bainbridge, E. T.
Baring, hon. W. B.
Barneby, J.
Blackstone, W. S.
Blandford, Marquess
Bradshaw, J.
Burroughes, H.
Christopher, R.
Chute, W. L. W.
Darby, G.
D'Israeli, B.
Dundas, C. W. D.
Du Pre, G.
East, J. B.
Egerton, W. T.
Freshfield, J. W.
Gillon, W. D.
Halford, H.
Hawkes, T.
Heathcote, Sir W.
Hinde, J. H.
Ingham, R.
Knatchbull, Sir E.
Law, C. E.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
Perceval, G. J.
Pigot, R.
Plumptre, J. P.
Redington, T. N.
Rushbrooke, R.
Stormont, Lord
Talbot, C. R.
Williams, R.

TELLERS.
Inglis, Sir R.
Kelly, F.

HOUSE OF LORDS,

Tuesday, June 18, 1839.

MINUTES.] Bills. Read a first time:—Double and Treble Costs; Bills of Exchange; Imprisonment for Debt Act Amendment; Windsor Castle Stables; Bankrupts Creditors Protection; Practice of Common Pleas; Appointing Parochial Spiritual Duties.

Petitions presented. By the Marquess of Lansdowne, from Warminster, in favour of, and by Lord Redesdale, from one place, against the Government plan for National Education.—By Lord Brougham, from Maidstone, and other places, for a Uniform Penny Postage.

HOUSE OF COMMONS,

Tuesday, June 18, 1839.

MINUTES.] Bills. Read a first time:—Rating of Tenements.—Read a second time:—Sugar Duties.

Petitions presented. By Captain Alsager, Lord G. Bentinck, Lord F. Egerton, Lord G. Somerset, Major Scarlett, Messrs. Blewitt, and Richards, from a number of places, against, and by Colonel Salwey, Messrs. Codrington, Hume, and Langdale, from several places, in favour of the Government plan of National Education.—By Messrs. Hume, Crawford, Pusey, M. Philips, Dunbar, Sir B. Hall, and Captain Pechell, from a great number of places, for a Uniform Penny Postage.—By Mr. Hume, from Dunse, against the Monopoly for Printing the Bible; from Blackrath, against the Irish Church.—By Mr. M. J. O'Connell, from Kilkenny, for an Alteration in the Law regarding the Irish Salmon Fisheries.—By Sir H. Parnell, from Liverpool, for Equalizing the Duties on Coffee and Sugar.—By Mr. Greene, from Lancaster, against, and by Messrs. Grote, Briscoe, Langdale, Aglionby, H. Berkeley, J. Stuart, Hindley, Pryme, Sir G. Strickland, Captain Pechell, Sir B. Hall, Lord C. Fitzroy, and Sir E. L. Bulwer, from a great many places, in favour of Vote by Ballot.

DANISH CLAIMS.] Mr. *Cresswell* said, that knowing the interest that was taken in the motion of which the hon. Member for the City of London had given notice for that evening, it was with great reluctance that he pressed himself upon the attention of the House, but he feared that he should not get another opportunity of bringing forward this subject. He would not detain the House long, he could state the facts to the House, in a few minutes—the question was a perfectly simple one. It was not his intention to enter into the particulars of the losses which had occurred in 1807. The question had been discussed last year, and settled by the opinion of a considerable majority, and as he could not believe that the House would now consent to rescind the vote to which it had come last year, he would not enter into the discussion of that part of the subject, unless he should be forced to do so by the conduct which the Chancellor of the Exchequer might pursue. The simple question was, what was the meaning of the vote of last year—as to the meaning of that vote, the right hon. Gentleman and himself were at issue. If he were right, the House should follow up the vote of last year by agreeing to his motion. It was well-known that several merchants, subjects of this country, had suffered losses in consequence of the seizure of their property by the Danish Government in 1807, at the time of the attack on Copenhagen by this country. From time to time the subject had been brought forward, and other persons had put forward their claims, stating that they were entitled to receive compensation for losses. In 1834, the Government yielded, and the Chancellor of the Exchequer, Lord Althorp, stated that he was satisfied of the justice of those claims. In consequence, directions were given to the Commissioners for examining French claims, to receive and examine Danish claims. The Commissioners considered these directions as empowering them not only to receive these claims, but to investigate them for the purpose of ascertaining whether they were just or unjust. Every one must feel that it was incumbent on them to have taken that course; what signified it being informed that there were a certain number of persons who had made claims for compensation to a certain amount, unless they were, at the same time, informed whether those claims were just or unjust. The Commissioners had stated that claims had been made amounting to 5 or 600,000*l.*, and they had adjudicated on about 140,000*l.*, which they had decided were just claims. There were two separate classes of claimants which the House had determined were entitled to compensation. The first class consisted of those English merchants who were owed debts at the time by Danish subjects, which debts were confiscated, the Danish Government having ordered these debts to be paid into the public treasury. Another class consisted of those whose goods on shore had been seized—this class was at first objected to, but it was afterwards allowed that theirs constituted a case for investigation. Some of these persons had omitted to bring forward their claims within the time allowed by the Order in Council for their so doing, and, in 1837, the hon. Member for Bridport had brought forward their case in that House. The hon. Member for Bridport, on that occasion, moved that an humble address be presented to her Majesty, praying that her Majesty would be graciously pleased to direct the Danish Commissioners to enter upon the examination of those claims. That address was agreed to, and her Majesty had been graciously pleased to comply with its prayer. That instruction must have authorised them to proceed to adjudication, because on the occasion of that Address, the Chancellor of the Exchequer had provided funds for the purpose of meeting those claims. He could not see any difference in principle between those whose goods had been seized and confiscated on shore, and those whose goods had been seized and confiscated on board ship, together with the ships on board which were those goods. The House had adopted his views in the Address to her Majesty which he had moved, and he had couched his address in precisely the same terms as those of the Address of the hon. Member for Bridport. Therefore the instructions were the same, the Treasury minutes were the same in substance, but the results produced a most extraordinary difference—whether there were any private instructions or not he did not know, but it was most curious, but no less curious than true, that the results had been different. He could understand that there might have been some reason why the House should not be told what the amount of the claim was, because the House might have been terrified by its being a large amount. He would ask the House whether they did or did not in their vote of last year adopt the principle that those who had their ships seized should be indemnified? If they did adopt that principle, then he would ask why should they not adopt the course he proposed to pursue, namely granting an address to her Majesty, praying that she would be graciously pleased to direct the Commissioners to adjudicate upon this claim? The right hon. Gentleman opposite, upon his asking the question had told him that he had not directed the Commissioners to adjudicate, because the case was very different from that which was before Parliament. Unless the House was prepared to rescind the vote that it came to last Session, they must follow it up by voting the Address. The right hon. Gentleman had said, that the present was a very different case altogether to the question that was discussed last year; he could not agree with the right hon. Gentleman in that statement; the matter was then very fully discussed, the money was voted, and when a Minister of the Crown had taken the judgment of the House; and that judgment was against him, he thought it was uncalled for that he should persevere against the sense of the House. If the present motion was granted then the means would be had of knowing what the parties were entitled to, and then they would be enabled to see whether the Chancellor of the Exchequer would say, after two votes against him, that he would not consent to the present vote. The hon. and learned Member concluded by moving —"That an humble Address be presented to her Majesty, praying that she will be graciously pleased to direct the Commissioners to whom it was referred to examine the claims of certain British subjects, in respect of losses sustained by the seizure of ships and cargoes by the Danish Government in 1807, to proceed to adjudicate upon the claims which they have received, and upon which they have made a Report to the Lords of her Majesty's Treasury."

The *Chancellor of the Exchequer* could have wished that the hon. Member had taken a night for bringing on the present subject when it would have interfered less with other business, and when it might have been discussed more calmly than it possibly could be on that evening. The hon. and learned Gentleman not having thought fit to pursue that course, though he knew the difficulty there would be to obtain the attention of the House to the subject, when one of greater public interest was about to be brought forward, he (the Chancellor of the Exchequer). felt bound, in discharge of his duty, to call the attention of the House to the principles involved in the claim of the hon. and learned Gentleman. He would not go into details on this question, but he would shortly state to the House the ground upon which he felt it to be his duty to resist the present motion. In the year 1835 he had proposed a vote of 130,000*l.* for the relief of the sufferers in the Danish squadron. In 1836, he had proposed a further vote of 78,000*l.* for the same purpose; and in the estimates of the present year he had proposed an additional sum of 87,481*l.*, making a total of 295,481*l.* which had already been voted for this purpose. He adverted to this in order to show that there was no desire on the part of the Government to refuse relief where a just case had been made out. The ground of distinction between the cases that had already been relieved, and those brought forward by the hon. and learned Member, was clear and decisive. In respect to the former class of claimants, the wrong sustained was contrary to the usages of European warfare, while, in the present instance, the wrong which the claimants had sustained was incident to the customary course of ordinary hostility. The question for the consideration of the House was, whether it would now, for the first time, sanction the principle that subjects of the Crown having sustained an injury under circumstances that were recognized by the law of nations, might come to that House and ask for compensation. If such a principle was to be recognized, he would ask where was the war in which the subjects of the Crown did not sustain damage? and if they were to be allowed to come to that House for the purpose of obtaining an indemnity, no gentleman living could contemplate the extent to which those demands might be made? Such was the distinction between the two cases, and such were his reasons for not calling upon the House to take any steps to affirm the liability of the country to make good losses sustained in ordinary warfare. It was true that a great public principle was involved in the former vote on this subject, as well as in the present. If he had entertained any doubt before upon it, that doubt had been removed and turned into certainty by the statements of the hon. and learned Member—for what had he said? Why, that because the House had affirmed the address, to which the assent of the Crown was not required, that therefore the House must be assumed to have affirmed the proposition for a money vote.

The hon. Member had rested his argument fairly enough on that ground now, and called upon the House to admit that, because they had previously voted an address, that therefore they were now bound to vote the money. The hon. and learned Gentleman seemed to think, that because he (the Chancellor of the Exchequer), had not acted with respect to this address as he had with respect to those which had preceded it, therefore there was a necessity for the second address he had moved Now he must say, that in his opinion, the cases were not at all analogous, for with respect to the other vote, there was no contest in respect of the principle. It was undeniable that the injury complained of had been received in violation of the law of nations. He had already stated, he was determined to oppose this motion, and even should he have a majority against him, he would resist it in its future stages and progress, whatever might be the result of the division. As long as he had a seat in that House, he would take care that the subject, if it came to be finally discussed, should be discussed in a full House, with a full knowledge of all its details, and not in a thin House, where the hon. Members in attendance were few in number, and without a knowledge of the facts, and where they had been canvassed to come down for the purpose of supporting a money vote. He thought, if the House did not at once set its face against the adoption of such a course, it would place itself in a most awkward situation with the public. Considering the serious consequences that might result from such a vote, he would not undertake the responsibility of preparing any estimate, or of signifying her Majesty's assent to any subsequent motion. The hon. Gentleman had stated by way of supporting his argument, that he (the Chancellor of the Exchequer), had not directed these claims to be adjudicated upon, and reduced in amount, in order to terrify the House by the extent of an exaggerated demand. He could assure the hon. Gentleman, that he had proceeded upon no such ground; in the other cases, it was true, that he had directed the Commissioners to adjudicate; but, in the present instance, he did not think it right to do so, being prepared to resist the demand to the utmost, indeed he would at once say, that he was not disposed to submit to the House any provision to be made for these claims, unless there was something done to recognise it as a money vote. If the hon. and learned Member would meet this question fairly, he should be ready at any time to grapple with him, let him only bring forward a motion that would raise the question of a money vote, and then if the House affirmed that they were ready to pay that amount, he would direct the Commissioner to adjudicate; but he would not, until then, pursue a course directly at variance with his sense of public duty. The House would have the goodness to recollect, that by endeavouring to defeat the claim, he could not have any interested motives on behalf of the Government; he did it solely, because he considered, that it behoved those who were placed in situations of trust, to adhere to principles, and, as far as possible, to prevent the House from incurring the danger of acting upon *ex parte* statements. If the proposition of the hon. Member was carried, then the parties making the claim would consider that claim to be strengthened materially, and they would come to the House, and would ask the House what was meant by acceding to the second address moved by the hon. Member for Liverpool, and they would tell them that the vote meant a money vote, and nothing else. Now, he would ask, was the House prepared so to understand it? Let it be supposed that the vote of the night committed the House to a question of money, and upon that supposition he would appeal to the House as a body, whether they would, by a side wind, allow a money vote to be opened, except under the authority of the Crown. He had to apologise to the hon. Member for the City of London, for preventing him, by this discussion, from bringing on his motion, of which he had given notice that night, he had not the fortune to agree with the hon. Member on that subject, but he thought it was due to him to say, that his duty to the public had alone caused him to address the House at the length he had done. If it ever became necessary, by a vote of the House, to discuss the question as a money vote, involving the country, as that vote would, in large pecuniary responsibility, upon principles hitherto unrecognised, he would move a call of the House, in order that the House might understand what it was about; and until the deliberate opinion of the House was so pronounced, the hon. Member for Liverpool would find him, on every stage of the proceeding, a most inflexible opponent. Considering the course proposed by the hon. and learned Member to be one that would be considered by the parties to pledge the House to grant the money required to satisfy these claims, he must give it his most decided opposition.

Mr. *Hume* had only a few words to say. Time had only added, in his opinion, to the validity of the claims of the individuals. He thought the preceding Government had acted most unjustly, when, having had in its hands 1,200,000*l.*, it had refused to give these British subjects any compensation. The Government had recognised the point to this extent, that if parties made out that they had claims, those claims were entitled to consideration. The Chancellor of the Exchequer was of opinion that the vote of the previous Session did not imply a vote of money. He agreed with the right hon. Gentleman in that, but then it implied that inquiry should be made by competent persons to ascertain who were the claimants, and what was the amount of the claims. After that vote he should have considered himself bound not only to receive the claims, but to direct the Commissioners to ascertain the nature and the amount of the claims; nor could he think that justice could be satisfied until that was done. If the hon. and learned Gentleman opposite did not know what the claims were, he did perfectly right to try this address, for the address, as he understood it, simply prayed in effect that her Majesty would be pleased to direct an inquiry to be made into the nature of the claims, in order that the House might afterwards take the question into its consideration whether those claims should be paid. If this had been an ordinary war, he was prepared fairly to state, that he should think the claimants had no right to come to that House, but if ever there was an extraordinary case in the annals of British history the conduct of the British Government with respect to Denmark, on the occasion referred to, presented that extraordinary case. From the correspondence that had taken place it appeared that the merchants having heard rumours of war between England and Denmark, they went to the Chancellor of the Exchequer of the day to inquire if England were going to war with Denmark, and the answer they received was, that there was not the least chance of it. And, if he understood the claimants, their case was, that, by that statement from Government they were misled. If it had been an ordinary case of warfare, every merchant was considered bound to insure his ships against the ordinary chances of war, and in that case if a war had taken place, there would have been no hardship to complain of; but here there was a certainty of war, and which from the statement made by the Government no ingenuity or attention on the part of the merchants could possibly have enabled them to foresee or to provide against. That circumstance made the present an extraordinary case. He had no hesitation, therefore, in thinking that whatever might be the result of the address as to paying money, it was due to our countrymen who had been thirty-two years kept out of their claims, at least to ascertain if anything was due to them; and now that they had done all they could towards satisfying other claimants, it would be but barely just that they should give their attention to this last class of claimants. It was but right that the right hon. Gentleman should not allow a shilling to be paid away till a clear case was made out, but he ought not to oppose a proper inquiry. He (Mr. Hume) had fifteen or twenty years ago advocated this case, when it was but ill-received by the House, and almost scouted by the Government of the day. The right hon. Gentleman then acted wrongly, as he had told him at that time. Injustice had been done throughout, but he hoped the House would do justice now. In supporting this motion he did not consider that he pledged himself to a money vote, but he considered himself bound to assist in ascertaining what the claims of the parties were, and if 50*l.*, or 500,000*l.* was fairly due to them it would not become the Government of a great country like this to withhold payment of that which was justly due. The address was a proper address to be moved, and the Chancellor of the Exchequer ought not to oppose it.

Lord *John Russell* was rather alarmed at the doctrine propounded by the hon. Member who had just sat down. He stated that it was an extraordinary war, and that it had been commenced in a most unusual manner, and especially as thirty-two years had elapsed, the claims of the parties more particularly merited the attention of the House. He was afraid that if the House laid down the principle that they were to consider all claims that might be presented to them, and that lapse of time was to be considered an additional recommendation of the claims to the attention of the House—if the hon. Member was to send that forth as an advertisement, the House would very soon be inundated by claims; and if they were to entertain the present claims, he did not know why claims in the time of the war in 1797 should not be sent in—nor, indeed, why claimants should not be found to go back to the time of Charles 2nd. The House of Commons might depend upon it that if it entertained these claims for losses in times long gone by, the House would very soon have scarcely anything else to do than to hear the merits of claims argued. He hoped the House would not continue the discussion of the subject unless it was prepared to pay millions in the satisfaction of claims of one description or another, that might be brought forward.

Viscount *Sandon* would put the question at present on this footing, whether the Chancellor of the Exchequer had acted in accordance with the assurance which he gave to the House on a former occasion, or whether he was not now going in direct variance with that assurance. The address now proposed was upon the same footing as the address that had been agreed to before, and he thought it ought not to be opposed.

The *Chancellor of the Exchequer* could assure the House that he believed he now took the same course that he had always taken when this question had come under discussion. He was not now prepared to propose an estimate, and therefore he could not take a different step at present to what he had before taken.

Sir *Stratford Canning* was ready to admit the principle on which the right hon. Gentleman had placed his opposition on this occasion, but still it was to be recollected that a war expedition had been sent out to Denmark, when almost all mankind thought this country was in a state of profound peace with Denmark, and that that war was undertaken with the utmost secresy of intention, so that the shipping trade was exposed to unusual danger. Certainly it was but fair, with a view to satisfy the spirit of justice of the country, that inquiries should be made into these claims.

Mr. *Goulburn* could not but adhere to the opinions he had always expressed on this subject. He objected to setting the example of listening to these claims. If this precedent was laid down, applications would be continually made, from time to time, of a similar sort, and every night would be occupied with the discussion of them. The hon. Member for Kilkenny had put it upon this, that the Foreign Office would not tell the merchants whether this country was going to war or not with Denmark. He would put it to the House to say, whether the Foreign Office was bound to state such a thing to merchants generally? This proceeding meant nothing, unless it meant a money vote, and he for one must oppose it.

Mr. *Warburton* said, the question before the House was not whether it was fitting or not that money should be granted to those claimants. The only question was, whether reasonable expectation was not held out to them, that the Commissioners should proceed to inquire if there were not a certain class of these petitioners whose claims were valid. He thought the reasonable interpretation to be put upon the carrying of the motion of last year was, that the Commissioners should report which of these claims were to be considered valid. The right hon. the Chancellor of the Exchequer, who had opposed the vote to the utmost of his power, had stated that he did not consider that to be the object and interest of the vote, or that they should be included in the estimates. It would, however, be a second question, whether these clauses should be included in the estimates. When that came before the House for discussion, they could go into the general merits of the question.

Mr. *Creswell* replied, he could not pass by the observation of his right hon. Friend below him, who said, that if the present motion was agreed to, the claimants would plunder the country. He could not understand upon what ground it was stated that those persons whose property was taken from them in consequence of the proceedings of Government, would plunder the country because they sought compensation for the losses they had sustained. It might be said, that the Danes, who had taken 1,200,000*l.* of the property of the people of England, had plundered the country, but it was too much to say that the parties who had suffered losses to that extent could be charged with plundering the country, when they claimed compensation for these losses. The ground taken by the right hon. Gentleman opposite, on the present occasion, was precisely the same as that which he had taken last year. The right hon. Gentleman said, that subjects were bound to take their chance during the time of war, and he stated that the captures were made *flagrante bello.* He denied that. The English nation, for great and important purposes, had committed an irregular act, by seizing the property of a nation in time of peace. Lord Cathcart had stated that he came there as a friend, and he seized the property of the Danes, as he alleged, to prevent its falling into the hands of their enemies. The Danes made reprisals, and, according to the law of nations, the country was bound to make compensation for property lost by its subjects in such cases. Any hon. Member of that House who knew anything of the law of nations, would at once admit that principle. The right hon. Gentleman (the Attorney-general) had, on a former occasion, admitted that very principle, but his argument was, that the property had been lost, *flagrante bello*, therefore no title to compensation had been made out. Another argument urged by the right hon. the Chancellor of the Exchequer was, that the question should be discussed in a full House. What could he do more? He had watched his opportunity, and had fixed his motion for an early hour, when there was some probability of a full attendance—he had selected the very night fixed by the hon. Member for London to bring forward the question of the ballot; and if the subject had been considered of importance by the Government, why had they not brought down a full House to discuss these claims in? He had brought the question forward as an independent Member, not because his constituents were interested in it, but because he was satisfied that the claim was a just one. The captures which had been made of the property of British subjects, was now matter of history, and he hoped the Government would allow its own Commissioners to investigate what the amount of these losses was. The right hon. Gentleman stated, that he would oppose the wish of the House so far as he could, and he had given fair notice, that he would resist the motion so far as he could. That was an intimation to the House, and if the right hon. Gentleman had declared that he would resist the wish of the House, that was its affair, not his. It was said, that the Commissioners ought not to adjudicate, lest the parties might be put to expense, and in the same breath the Commissioners are told to receive evidence, but not to pronounce any opinion, lest it might excite false hopes in the parties claiming. Now, he contended, that the right hon. Gentleman, having put these parties to the expense of bringing forward their evidence, was the person who had raised false hopes. It could not be supposed that it was mere idle curiosity, or an anxiety to learn precisely the amount of the losses sustained, that induced the Commissioners to require evidence on these points. He trusted, that the hopes which had been excited in the minds of those parties who had lost their property some thirty-two years ago, by the vote of last year, would now be realised.

The House divided, when there appeared:—Ayes 94; Noes 32: Majority 62.

List of the AYES.

Alston, R.
Attwood, M.
Bagge, W.
Barnard, E. G.
Ball, N.
Bentinck, Lord G.
Berkeley, F. H.
Bethell, R.
Blackett, C.
Blennerhassett, A.
Bodkin, J. J.
Boldero, H. G.
Bolling, W.
Bramston, T. W.
Broadley, H.
Bruges, W. H. L.
Bryan, G.
Buller, C.
Burroughes, N. N.
Busfeild, W.
Butler, Colonel
Cayley, E. S.
Chapman, A.
Christopher, R. A.
Chute, W. L. W.
Collier, J.
Craig, W. G.
Darlington, Earl of
Douglas, Sir C. E.
Duke, Sir J.
Dundas, W. D.
Dungannon, Lord
Eaton, R. J.
Ellis, J.
Feilden, W.
Fielden, J.
Fitzroy, hon. H.
Gaskell, J. M.
Goddard, A.
Grote, G.
Hawes, B.
Henniker, Lord
Hinde, J. H.
Hodgson, R.
Hogg, J. W.
Holmes, W. A'Court
Horsman, E.
Houstoun, G.
Howard, P. H.
Hume, J.
Hutt, W.
Hutton, R.
Ingham, R.
Inglis, Sir R. H.
James, Sir W.
Kelly, F.
Kemble, H.
Knatchbull, Sir E.
Lambton, H.
Langdale, hon. C.
Lascelles, W. S.
Lefroy, Dr. T.
Liddell, H. T.
Mackenzie, T.
Marsland, T.
Molesworth, Sir W.
Ord, W.
Philips, M.
Phillpotts, J. F.
Plumptre, J. P.
Polhill, F.
Pryme, G.
Round, C. G.
Round, J.
Sandon, Lord
Scholefield, J.
Scrope, G. P.
Sheppard, T.
Sibthorp, Colonel
Smyth, Sir G. H.
Somerville, Sir W.
Staunton, Sir G. T.
Strickland, Sir G.
Stuart, Lord J.
Style, Sir C.
Talfourd, T. N.
Thompson, W.
Vigors, N. A.
Vivian, J. E.
Wakley, T.
Warburton, H.
Ward, H. G.
White, A.
Wodehouse, hon. E.

TELLERS.
Cresswell, C.
Wilmot, Sir E.

List of the NOES.

Baring, F. T.
Brodie, W. B.
Brotherton, J.
Bulwer, Sir E. L.
Clements, Lord
Divett, E.
Eliot, Lord
Goulburn, H.
Grey, Sir G.
Hodges, T. L.
Howick, Lord
Melgund, Lord
Milnes, R. M.
Parrott, J.
Pusey, P.
Rice, T. S.
Rolfe, Sir R. M.
Russell, Lord J.
Sanford, E. A.
Seymour, Lord
Sharpe, General
Slaney, R.
Smith, R. V.
Stock, Dr.
Tancred, H. W.
Troubridge, Sir T.
Wilbraham, G.
Williams, W. A.
Wood, Colonel T.
Worsley, Lord
Wynn, C. W.
Yates, J. A.

TELLERS.

Maule, hon. F.
Wood, C.

The *Chancellor of the Exchequer* said: In consequence of the adverse vote which has just taken place, I will take care that there shall be placed on the Table of the House a full and entire account of these claims, to the fullest extent they can be carried out. Sir, I enter my caveat against any complaints being again made against me upon the subject. Having done so, I will tell the hon. Gentleman that I shall still think it my duty to oppose the next step he takes, which must be the proposal of a money-vote. I will resist that vote, and tell the House, that if it votes away the money it is the public money that it is dealing with. Although the hon. and learned Gentleman has carried the Address against me, still I must protest against it, and until the House carries a money-vote to pay these claims, I will be no party to the cause in any way. I feel quite persuaded, that there is no Gentleman in this House who imputes to me any motives, or thinks that I am or have been actuated by any other motives in this case than a deep sense of public duty. The day will come when resistance in matters of this kind will be looked upon in another light, and it will be then found that the House has set a bad example upon this occasion, and that it has too much relaxed the rule. The question can be carried no further now than the money-vote, and that remains still an open question.

PUBLIC WALKS.] Mr. *Slaney* rose to move, "That it is the duty of the Commons' House of Parliament to take measures to provide Public Walks in the immediate vicinity of large and populous towns, calculated to promote the health and comfort of the middle and humbler classes." He was aware how anxious the House was to proceed to the important question to be brought forward by the hon. Member for London, and therefore he could assure them that he would be as brief as possible in his statement. ["Oh, oh."] The population of this country had entirely changed its character within the last thirty-five or forty years — many who were then engaged in agricultural pursuits were now congregated in large manufacturing towns, the population congregated in which now amounted to between three and a half and four millions of people, mostly of the humble classes. They were badly lodged, being cooped up all the week in cellars and small rooms, situated in narrow lanes—they had no day for enjoyment but the Sundays, and upon that day they were deprived of the benefit of country air from the want of public places in their neighbourhood. It was to provide such recreation for them that he pressed his motion.

Lord *J. Russell* perfectly agreed in the necessity of public walks and open spaces for the working classes in the neighbourhood of large towns, but the resolution before the House did not advance the object, as it pointed out or provided no means.

Sir *R. Inglis* hoped the hon. Member would not press his motion, as it was so indefinite that many must oppose it who agreed in the principle.

Mr. *Mark Phillips* agreed, that the resolution would not effect the object they had in view, although he was almost at a loss to know in what shape the subject could be properly brought forward. He thought Crown lands might be exchanged for land in the neighbourhood of Manchester, Leeds, Birmingham, and other places for the purpose of establishing public walks there.

Sir *Robert Peel* begged to join the expression of his wish to what appeared to be the general wish of the House, that the hon. Gentleman would not press his motion to a division. He thought public aid might be given in assistance to liberal local contributions, and that it would go far towards providing some means of recreation, would contribute to the public health, and would also gratify those who had the greatest means of annoyance, if they felt they were neglected.—Motion withdrawn.

THE BALLOT.] Mr. *Grote*, after presenting petitions in favour of the ballot, said: I rise, Sir, to renew the motion which I have before made in several preceding sessions, for leave to bring in a bill providing that the votes at Parliamentary elections shall be taken by way of ballot. The many discussions which this subject has already undergone, forbid the hope that I can advance much of new argument, or invoke many fresh testimonies in its favour. But I am not deterred by this consideration from again entreating a moderate portion of the time and attention of the House: and while I shall carefully avoid all needless amplification, I shall not think myself obliged to throw aside any relevant or forcible arguments, simply because they have been employed before on the same discussion, and because it is no longer possible to clothe them with freshness or originality. For all historical experience testifies, that it is not by the discovery of new positive arguments and of untrodden ways of demonstration that political conclusions come to be disseminated, and ultimately acted on. It is by frequent meditation on the same reasonings, by renewed discussions of the same topic, at proper and seasonable intervals, and, above all, by the continued and painful sense of the same unremedied evils. It was not by fruitfulness of invention in the field of argument, that the advocates of Catholic emancipation won their way to victory; it was by an earnest repetition, often and often enforced, of a case of intrinsic and irresistible justice, but in which every novelty in the way of pleading had been exhausted many years before the final triumph. Such is the gradual method by which alone political progress is ever accomplished; and such are the grounds, coupled with my unshaken belief in the goodness of the cause which I am advocating, which induce me again to press upon the House the consideration of the vote by ballot. In one respect, Sir, I approach the subject with an advantage which I have not before enjoyed. It is a satisfaction to me to anticipate, that the question of the ballot will no longer be made a subject of formal opposition by the collective cabinet, and that the opinions which Members of the Government may still express against the ballot will be the result of their own individual convictions, not of any express resolution to identify the cabinet of Lord Melbourne with the maintenance of open voting. If I am asked, Sir, whether the measure which I propose is one calculated to correct all that is amiss, and to supply all that is defective in our present representative system, I answer without hesitation, that I do not believe it is so. I do not present the ballot as a measure of any such comprehensive or all-sufficient character. I agree with those who think, that our present electoral franchise is too narrow and too unequally distributed, and I shall lend my best support to any proposition for rectifying these evils by a large extension of the franchise, coupled with a more just and equal apportionment of the constituencies. But though I am far from pretending that the ballot is a full remedy against all the defects of our representative system, yet I do affirm, and confidently affirm, that it is a remedy for one of the grossest, and most grievous of those defects. I mean the intimidation and corruption now practised on the legitimate exercise of the franchise. And, with regard to intimidation and corruption, there is this to be remarked, that many persons who deny the existence of any other evils in the representation as it now stands—many persons who treat the Reform Act as perfect and unalterable in respect to the extension and distribution of the franchise, are yet ready to lament the prevalence of corruption and intimidation, and to admit the necessity of devising some method of combating them. When I hear the emphatic declarations, pronounced by the most powerful and commanding persons in this country against bribery and coercion at elections—when I recollect that a few evenings ago, both the noble Lord, the Member for Stroud, and the right hon. Gentleman opposite, the Member for Tamworth, vied with each other in the earnestness with which they denounced these unlawful practices — I certainly might almost have supposed that the object which I seek to attain by my present motion would have procured for me some crumbs of support from both those distinguished persons, instead of receiving a vigorous and unrelaxing opposition. Sir, I address myself to those who adopt the language of the noble Lord and the right hon. Baronet, and who treat the Reform Act as a final measure—as the permanent settlement of a great constitutional question, or any one of the thousand equivalent phrases by which all idea of farther progress and improvement may be most directly and pointedly negatived—I address myself to those Gentlemen, and I say to them, You tell me that the Reform Act is a final measure; do you mean the intimidation and corruption which now disgrace the operation of it shall be final also? Do you mean to preserve and embalm all these gross deformities, and to make them partakers in that glorious immortality which you promise to the Reform Act as a whole? Was it an understanding between the proposers and supporters of the Reform Bill, and did it form part of those Tusculan conversations in 1832 between the noble Lord, the Member for Stroud, and Lord Althorp, to which allusion has been made in the noble Lord's recent pamphlet when they predicted the future restoration of empire to the Tory party, that intimidation and corruption were to be studiously kept alive for the purpose of neutralising the supposed exorbitance of democratical principle in the Reform Act? I do not expect, Sir, to hear it asserted, that any such understanding either did exist or could have existed at the period when the Reform Act was first proposed, or that persons who supported that measure were bound by any pledge to discountenance all future remedies against intimidation and corruption. I do not expect, I say, to hear an assertion of this kind formally advanced, though arguments are not unfrequently used which seem tacitly to imply it. Sir, I entertain no faith in that doctrine which proclaims the Reform Act a final measure. I reject altogether the possibility that a franchise so restricted, and so ill-distributed as the present, can be considered as the permanent settlement of a great constitutional question. But yet I will not scruple to contend, that Gentlemen who differ with me upon this point, may, with perfect consistency, agree with me in supporting the ballot, unless they consider themselves pledged, not only to the finality of the Reform Act, but also to the finality of intimidation and corruption. Whether you insist upon maintaining the present number of electors, or whether you seek to enlarge it—in either case, protection in the exercise of the franchise is indispensably necessary. I have maintained before, and I now maintain again, that the ballot is in no sense an enlargement or disturbance of any boundary which has been fixed by the Reform Act; and this is often taken by radical journals as a ground of exception against it, as if it were something petty and insignificant. In my mind, Sir, this perfect consistency of the ballot, with the limits and principles of the Reform Act is neither a ground for preference, nor a ground for disparagement. I advocate the ballot on its own merits, as the only corrective of grievous electoral abuses, and I insist upon its congruity with the principles of the Reform Act, because such is the real and literal state of the case. Indeed, it is now matter of history, and has been often before mentioned, that in the first speech of the noble Lord, the Member for Stroud, when he introduced the Reform Bill, in 1831, the questions as to the best mode of taking votes, and as to the proper time for the duration of Parliaments, were both expressly set aside, and reserved for future consideration. Well then, Sir, I shall assume, that Gentlemen do really wish to suppress intimidation and corruption—that they do not regard these practices as profitable vices, at once to be denounced and to be upheld—" quod et vetabitur semper et retinebitur "—that they regard them as a real taint and leprosy in our political system, calling for our utmost diligence to heal or to abate; assuming this, I say, where are we to look for a remedy? Has any person ever proposed any other remedy except the ballot? I should have thought, that among those persons who inveigh against coercion of voters, and who, at the same time, reject the ballot, there would have been found some, at least, who would have applied their minds to the discovery of some other remedy; and that, by this time, some efficacious scheme would have been devised, adequate to the urgency of the case, and free from the objections advanced against the ballot. Considering how many times the ballot has been discussed, and how vehemently it has been opposed, I think that, before this time, some substitute remedy might reasonably be expected to have been proposed; and I declare, with perfect sincerity, that if any man will teach me any effectual way of banishing corruption and intimidation, and insuring perfect freedom of suffrage under the system of open voting, I am perfectly ready to abandon the ballot at once. But I persevere in my own proposition, and I shall persevere in it, because no one will provide me with any other remedy, in the slightest degree fitted for the exigency of the case. Let me impress upon the House this view of the subject again and again; for it really is the literal truth—that they have only the option between adopting the ballot, and sanctioning the continuance of the present system, with all its unlawful and coercive practices. There is no third course possible: you must take your choice between the evil and this remedy, for only one remedy has been proposed or conceived; to reject the remedy is tantamount to an acquiescence in the evil. Those who repudiate the ballot are, in effect, consenting parties to the continuance of intimidation and corruption, without let or hindrance, in all their disastrous abundance, and with all their deplorable consequences, private as well as public. Surely, Sir, no man of any pretensions to sound and serious reflection—no man, especially who enjoys a seat in this House, can allege that interference with the freedom of election is a slight evil, or that the triumph over it is a matter of small importance. And how, Sir, is this triumph to be accomplished? Voters are now intimidated and corrupted—that is, they vote under fear of injury, or under hope of gain, threatened or promised by third parties. Now, I have asserted before, and I have heard nothing to shake my conviction, that secret voting is an effectual way of neutralising this mischievous interference. So long as the vote is known, you cannot prevent third parties from making it the condition of reward, and punishment; but I defy human ingenuity either to reward or punish an unknown and invisible act. The man who votes in secret can neither fear anything, nor hope anything in consequence of his vote; neither intimidation nor corruption can be brought to bear upon him, to pervert him from his real inclination and belief, whatever they may be. And, Sir, when I hear so many Gentlemen denouncing the ballot as a democratical innovation, I am well convinced that they do not, in their hearts, differ with me as to its real effects, however they may chicane as to the steps by which those effects are brought about. In what sense can it be true, that the ballot is a democratical innovation? Those who believe that it is so, must imagine that there is a considerable proportion of the existing electors who are inclined to vote democratically, but who dare not do so at present, in consequence of their votes being known to third parties. The ballot can have no other results, except that of liberating these electors from constraint, and enabling them to vote as their own consciences dictate; and this is the reason why it is termed a democratical innovation. Now, Sir, I say, that this argument admits, in the fullest extent, the real effects and the remedial tendency of the ballot, such as I have described them. It is, in fact, an objection against the ballot, not because it will be ineffectual in preventing intimidation and corruption, but because it will be too effectual in preventing them. It is neither more nor less than a defence, and even an eulogy of these abuses, as a bulwark against the democratical inclinations and opinions of the present electoral body. I am, therefore, warranted in affirming, that even a large proportion of the arguments urged against the ballot admit its efficacy as a defence of the freedom of election, and that is quite sufficient to make out my case. I desire no better ground for continuing to be its advocate. Let Gentlemen just ask themselves what can be the value of a representative system, if we are to provide no guarantee for freedom and sincerity in voting, and no barrier against the aggressive manœuvres of the corruptor and intimidator? What is the advantage of discussing laboriously the qualification of an elector, and determining who is, and who is not, fit for the franchise, if, after all, you do not obtain the elector's free and real opinion, but the judgment of some one else expressed through his organs? Under any and every arrangement of the franchise—whether it be maintained as it is now, or enlarged to household or universal suffrage, or determined by an educational qualification—protection in the exercise of it is absolutely indispensable; and if such protection be left out, the whole business of election becomes nothing better than illusion and mockery, You have given the franchise to a certain description of voters; I now call upon you to complete and seal the gift, by the addition of that protective enactment, without which their franchise is treacherous and useless to the country, and often even a misfortune and a curse to themselves. For it is but too notorious, under present circumstances, how little an elector is master of his own conduct on the day of election; it is but too publicly proclaimed, and too painfully felt, how sharp is the pressure of dictation and compulsion from without, and how vigorously every engine of control, as well as of corruption, is set at work during the shock of a contested election. I forbear to cite facts in proof of this assertion, because the general prevalence of the evil has been attested by too many witnesses to leave it a matter of doubt. Nor will I repeat to the House the multiplied narratives which have come even within my own personal knowledge, respecting the treatment of tenants and tradesmen, and other electors in dependent circumstances, when the fatal moment arrives that their franchise can be made to serve the purpose of ambitious superiors. If you are to have any representative government at all in England, you must have multitudes of electors in dependent circumstances; the distribution of property in England forbids any other supposition. To expect from these men, unprotected as they are by the Legislature, the constant sacrifice of their worldly interest to the preservation of a political conscience—to expect that you will find generally in their bosoms—

> "That strong divinity of soul
> Which conquers chance and fate,"

such as richer and more accomplished men do not exhibit in their own persons, would be little better than an idle dream. I envy not the feelings of any man who can have engaged in the details of electoral struggle without a profound sense of the miseries of an unsheltered franchise, and a sincere desire to apply to them an efficacious remedy. Much talk has recently been current, Sir, respecting an impending dissolution of Parliament within no very long period of time. How far such anticipations are likely to be realised, of course I cannot pretend to say; though, certainly, in the condition of something like stalemate to which parties have been brought in this present House, no one can affirm that the event is improbable. But, I will confess, that the possibility of a general election at no distant date increases my anxiety again to submit this question to the judgment of the House. This is not merely because the subject of the ballot is one which is regarded with warm interest among a large proportion of the constituencies, and because it is therefore fit that the sentiments of Gentlemen in this House should be tested and proclaimed, either for or against its adoption. It is still more for another reason—that the proposition of the ballot has an express and peculiar bearing on the business of election, and that the supposed eve of a general election is a fit season for renewing my protest against those mischiefs and enormities which are inseparable from open voting. Recollecting as I do the phenomena of the two last general elections, I cannot permit the repetition of the same intolerable abuses, without again tendering the only remedial proposition which is calculated effectually to subdue or abate them. It is fit that those who acutely feel the dishonour which is thrown upon our public institutions, and the mischiefs which are entailed upon individuals, by the prevalence of corruption and intimidation—and I believe the number of persons to be great and increasing—it is fit that they should be reminded that, if these disorders continue, it is only because the Legislature declines to avail itself of the proper tutelary provisions within its reach. Sir, I do believe that freedom of election, though in practice it is foully trampled upon, is yet a sacred idea, and an object of sincere inward attachment among the general public. However powerful men may assert the monstrous privilege of dictating votes to those who are poorer than themselves—however election agents may pride themselves on their skill in hunting down irresolute or reluctant voters—however much the practical working of contested elections may exhibit compulsory disunion between the vote and the conscience—still I am persuaded that the right of the country to a free and conscientious expression of opinion from every qualified elector, poor as well as rich, and the right of the elector himself to express such opinion at the poll, without hindrance or injury, is among the most deeply-rooted of all our national convictions. To convert this right from a cherished fiction into an useful reality, is the charm and the virtue of the ballot. If you refuse the ballot, you virtually discountenance free and public-minded voting; you decree the continued reign of corruption and intimidation; you nourish and keep alive the poisonous taint which infects the life-blood of our representative system. Against this poison the ballot is the only antidote; and, as such, I commend it to your favourable decision. I know not whether you will reject it now; but I feel well assured that you will not reject it long. The hon. Member concluded by moving for leave to bring in a bill to provide for taking the vote at elections by ballot.

Lord *Worsley*, in rising to second the motion, said, that he differed in one point from the hon. Member who had just sat down—namely, with regard to the extension of the franchise; but was decidedly of opinion that it was necessary that they should in some way protect the voters to whom they had given the franchise by the Reform Act. If they did not so protect them the House would not long retain the confidence of the people. His impression was very strong that if they did much longer refuse to give electors the power of voting in the way which their conscientious opinions dictated, they would find the same discontent in the public mind with their proceedings which existed when he first came into Parliament before the Reform Bill was carried. He believed that the parties asking for the Ballot, that they might be enabled to vote honestly, and who considered that they had not at present the power of giving their suffrages to the candidate whom they thought most fit to represent them, would, if that reasonable request were denied, consider that the Reform Act had not given them real representation. The first time that he had the honour of addressing the House, was, he believed when the Reform Bill was under discussion. He then represented a constituency which he had never seen, containing, he believed, some seven and twenty voters. He thought it necessary that such places should cease to send Members. He thought it necessary that the representatives of the country should be returned by such voters as would give confidence to those who had no votes; and therefore he thought it necessary to extend the suffrage then, for the purpose of giving that confidence. He could not help thinking that if that had failed in preventing intimidation and corruption, they had not much bettered the condition of the country. It was no improvement if the Members of that House had come, in a different way, to misrepresent the real opinion of the people. He had heard it said that there were some who supposed that he had been requested to second this motion by some member of the Government. He had not been so requested. He had not been requested either by the Government or by his constituents, for he must honestly say —as he did not wish in that House to misrepresent in the slightest degree the wishes of his constituents — that if an election were now to take place in his own county by the present mode of open voting, he did not believe their decision would be in favour of the ballot. But he thought it necessary that some protection should be given to the voter, because, as the hon. Member for London said, the evils were admitted in all the discussions upon the subject, but no remedy for them except the ballot had been proposed. Precisely the same objections were made to the ballot that were made to the Reform Bill. It was denied that the Reform Bill would remedy abuses. It was acknowledged that there were abuses. But it was said that the Reform Bill was revolutionary, and its opponents prognosticated all sorts of evil from its adoption. The other day a gentleman who was in the House when the Reform Bill was brought forward, told him that he had then believed that it would be inevitably followed by a repeal of the law of primogeniture. It was said that the cases of intimidation adduced as grounds for the ballot were very much exaggerated; that persons were very often turned out of farms for bad farming who represented themselves as having been dispossessed for voting independently. He admitted that that might sometimes be the case. But those persons would not make such an excuse, nor would they have the sympathies of the public with them, if the notoriety of the practice did not give this story some colour of plausibility. It was said also that there was great exaggeration with regard to the losses which tradesmen suffered—that where they lost Tory customers, they gained Whig ones. That might happen occasionally. It was added, too, that a tradesman who quietly gave his vote, and did not meddle in politics farther, did not suffer. But was it to be said that a person because he was a tradesman was not to take part in politics? Assuredly he had as much right as any other man to do so? With regard to intimidation in the counties, his impression was, that the ballot would prevent it, inasmuch as when it was not known how a person intended to vote, or how he had voted (and no one denied that the ballot would secure secrecy in the act of voting), it was impossible to know when to visit him with punishment. But he was aware that the objection which weighed with many persons, particularly in his own county, against the ballot was, that it would lead to universal suffrage, and ultimately to the repeal of the Corn-laws. That was the objection in his county. But if he thought it would lead to such results, he certainly would not support the vote by ballot. There was a case, which he had never heard mentioned, but which he knew had a very great influence at elections—probably the hon. Member for London did not like to mention it—he meant the case where bankers in the country prevented persons exercising their votes who were under obligation to their banks. He merely mentioned the case of bankers to show that intimidation was practised by more classes than one. It was rather curious, in looking at the different divisions which had taken place on the ballot, to observe how the numbers in its favour had increased. In 1830, when the present Member for Dublin (then Member for Clare) moved that votes be taken by way of ballot at East Retford, he found only twenty-one Members to support him. In 1833, when the Member for London made his motion for the ballot, the minority in its favour was 106. In 1834, upon the motion that votes be taken by way of ballot at Hertford, the minority was eighty-two. In 1835, the same motion that was now made was supported by 144. In 1836, when the division took place unexpectedly at an early hour, the minority was 88. In 1837, it was 153; and in 1838, 198. After what he had stated to be the opinion of his constituents, it might be said, that he was not justified in seconding the motion. It had so happened, that he had voted before the last election against the ballot, and seeing reason for changing his opinions, he thought it to be his duty before the election to go through his county; and though he did not, at the time, see any likelihood of any opposition to his return, still he thought it right to inform the electors that he, who hitherto had been opposed to the ballot, intended for the future to support it. He did that six weeks before the election, so that it was not to be supposed that he changed his opinions without the knowledge of his constituents; he was aware this statement would be of advantage to the hon. Gentlemen opposite, at the same time he did not wish to make the House believe, that he had taken so decided a part in the debate, because he was the Representative of a large constituency. He had, indeed, hoped that the system of intimidation would not be persisted in; but this hope had been in vain. It was acknowledged by every Member who had spoken in the debate of last year, that intimidation was still practised. Under these circumstances, then, he hoped that the House would be prepared to act when a remedy was proposed for this evil. The noble Lord, the Secretary of State, had offered to do something, but a change in the mode of registration would not alone remedy the evil. He was satisfied, if they had not a remedy in the shape of the ballot, that there were men who now had votes who would be most anxious to have their votes taken from them. But then, it may be said, why are these men registered? If a man were registered, and not opposed, he continued on the registry - a man could not help being put on by the landlord, and it would often be quite as dangerous for the tenant to have his name taken off the registry, as for him to refuse his vote at the election. He admitted, that there were many acts done in the name of the landlord of which he had not any knowledge. Possibly this did not make the case any better; but such he believed to be the fact. He knew, for instance, this case—the steward of a near connexion of his own. He asked this steward, how the tenants of a certain landlord who was abroad would vote?—to which the man replied, that they would of course all vote with their Tory landlord. He asked the steward how was that, when the landlord was not in the country at the time, and why they should not be allowed to vote as they pleased? To this the steward replied, that on canvassing the tenants he would not think of claiming their votes from the 40*s*. freeholders; that they might give their votes as they pleased; but that he did claim the votes of the 50*l*. tenants-at-will, and that he could not think he did his duty to the landlord, if he permitted those who claimed a vote by reason of their renting land from the landlord not to give to the same landlord their vote. The steward who said this, he must add, was an excellent and a very conscientious man, and he believed really thought it was his duty to act in the manner he had just described. He was not one of those who thought that vote by ballot would take away the legitimate influence of property. He was not in the habit of addressing the House; but he thought it right now to read for them an extract from a speech of a noble Lord, to whom they all used to listen in that House with great attention. That noble Lord (Lord Althorp) had stated, upon a discussion of the same kind as this, what he believed with respect to the ballot and its affecting a due influence of property. Upon that occasion, Lord Althorp said,

> "There is no man in the House more sorry than I should be to see the legitimate power of the aristocracy put an end to. For what is that power? The influence of affection and of kindness. The power of property is always legitimate, when it is solely a power over the affections of those around us; but there is sometimes another influence arising from it, namely, that of intimidation, and of preventing persons from voting by reason of their fears. I do not see how election by ballot can diminish the legitimate influence of the aristocracy; but, at the same time, I do not see how it would allow the exercise of the illegitimate influence of fear."

This, too, was his opinion; and if it were not so, it was not at all likely that he should be so anxious for its success. He firmly believed, that if an effectual remedy were not proposed for those abuses, it would be believed that those who had voted for the Reform Bill were not sincere in their wishes for a fair representation of the people; while it would be said that those who had originally opposed the Reform Bill, and now proclaimed their intention to abide by its provisions, only meant to avail themselves of its abuses, and the sincerity of their declarations would not, therefore, be believed by the country.

Mr. *Milnes Gaskell* was prepared to admit, with his noble Friend, the Member for Lincolnshire (Lord Worsley), and with the hon. Gentleman who had preceded him (Mr. Grote), that upon no former occasion when this question had been debated had it excited greater interest or attention. He only trusted, that no hon. Member who had been unconvinced by the arguments which had been addressed to him, would suffer himself to be deterred by any indications of an altered course on the part of her Majesty's Ministers upon this occasion, or by any inflammatory appeals that might have been made upon this subject out of doors, from the honest discharge of his public duty. Now, there were three opinions that were held upon this question. The first was that which was so ably and so consistently maintained by the hon. Gentleman himself (Mr. Grote). The second was an opinion which he (Mr. Gaskell) believed to be entertained by a considerable portion of the Gentlemen opposite, and among the rest by his noble Friend who had just sat down, viz.—that this question was one of secondary importance, and that its probable effects, whether for good or evil, had been greatly over-rated. There was also, let him tell the hon. Gentleman, a third opinion, which he felt convinced, was entertained by the great majority of the people of England, and which, he hoped, was entertained by the great majority of their representatives, namely, that this secret system was utterly repugnant to their habits and feelings, utterly inconsistent with the whole framework of their institutions and that, if adopted by the Legislature, it would strike a deadly blow at the stability of the Government and at the character of the people. This opinion was not founded upon any doubt as to the efficacy of the Ballot to promote the purpose of concealment; it assumed, that the hon. Gentleman's machinery would be successful, and that he would be able to obtain the secrecy which he desired. He knew, that the hon. Gentleman entertained a widely different opinion, and that he was perfectly sincere in its expression and its maintenance. He honoured the ability and the single-mindedness with which that hon. Gentleman had invariably advocated this question, but he believed, that with a large proportion of those who most loudly clamoured for the Ballot, protection was a mere pretext, and ascendancy the aim. "*Speciosa verbis, re inania aut subdola, quantoque majore libertatis imagine teguntur tanto eruptura ad servitium.*" Undoubtedly, if the elective franchise were an inherent and inalienable right, of which you could never deprive men without injustice, and which was not revocable by the Legislature that had conferred it, he could understand the argument of the hon. Gentleman; but at least the supporters of the Reform Bill could hold no such doctrine. Gentlemen who had been parties to the wholesale disfranchisement of boroughs, not because the voter that was disfranchised had violated his trust, but because others had been held by the Legislature to be fitter depositaries of political power—could hold no such doctrine. He had a right, therefore, to assume, that Parliament had conferred this privilege on the 10*l.* householder, not for his single benefit, but for the general advantage of the state; and if this was the fact—if the elective franchise was a trust which you imposed upon a certain portion of the people for the benefit of all, then he (Mr. Gaskell) had yet to learn upon what possible principle of justice you could debar the community at large from every opportunity of watching and of marking its exercise. He had listened with great attention to the speech of the hon. Gentleman, and it appeared to him, that his whole case rested upon the assumption, that the blind and unthinking will of a mere numerical majority of electors ought to govern this country, and that when you had devised some mode for the expression of that will, you had ensured good government. Now he (Mr. Gaskell) dissented entirely from that doctrine—he was unable to advance one step with the hon. Gentleman—he differed with him as to the end as well as to the means of good government; he could conceive nothing less desirable—he could conceive nothing more destructive to the first principles of constitutional freedom, than that any set of men, upon any pretext, should be invested with irresponsible power. He believed, that this bill directly tended to confer that power, and he, for one, would not consent to the establishment of a democratic tyranny in this country. It also appeared to him, that the institution of the vote by Ballot would place the Members of that House in a most degrading and invidious position. It would debar them from all means of intercourse with their constituents—it would sever the ties which had hitherto bound them to their friends and tenants, and it would withhold from them the protection which it gave to others. He (Mr. Gaskell) did not complain of this exemption; on the contrary, he rejoiced at it; he had no wish to conceal his vote, and he never would conceal it, whether it was given in the House of Commons, or in a polling booth—but he did contend, that every argument which was good for secret voting at elections was equally good for secret voting in that House. They were engaged in the performance of a public trust as well as the constituencies they represented, and might claim a right to protection against the undue influence of popular control, and the fluctuations of popular caprice. For himself, he repeated, that he preferred no such claim—he was only adducing it to point out what would be the natural and legitimate consequence of the adoption of this bill, and to shew, that a project like the present, which went to effect a total change in the form as well as the spirit of our institutions, should be sanctioned upon no light grounds, and recommended by very powerful arguments. What, then, let him ask, were the motives that were to be held sufficient to induce that House to consent to a total departure from every acknowledged principle of the Constitution? What were the evils of sufficient magnitude to warrant the application of such a remedy, and what the amount of practical grievance of which Gentlemen complained? Why, they were told, that bribery and intimidation prevailed throughout the country to an enormous extent—that the large landed proprietors coerced their tenants and their tradesmen—that the elections had become their nomination, and not the free choice of the electors—and that for all these evils the adoption of the Ballot was the only cure. Now, the proposition, that secret voting would have the effect of suppressing bribery at elections appeared to him to be so extraordinary a one, that he could scarcely believe Gentlemen to be serious when they made it. If they had contented themselves with the assertion, that it would prevent an open sale and purchase of votes, he could have understood them, but his firm conviction was, that it would be followed by a wholesale and an irresponsible bribery, which it would be impossible to punish or detect. The Ballot, however, had been tried for this purpose before now, and wherever it had been tried it had failed utterly—[*Cries of "Name where!" from the Ministerial benches.*]—Yes, if Gentlemen wished it, he would name where. It had been tried at Rome, where it had remained in force during a period of eighty-five years, and it had failed there. It had been tried in the Italian republics and it had failed there. It had been tried in the United States, and what said the professed friends and patrons of republican institutions as to its effect in checking corruption in America? Why, they were told by an authority, to which the Gentlemen opposite would feel disposed to attach at least as much weight as he was, "that power was used in that country for selfish purposes—that the constituencies were corrupted—that any reason for a man's vote was taken up rather than that of his voting according to the decision of his conscience—and that men should be ashamed to accept the privileges of citizenship, if they were unable to discharge its duties." He (Mr. Gaskell), however, was not imputing the prevalence of corruption either in that or in any other country to the introduction of the Ballot, though he thought its inevitable tendency was to increase and to perpetuate it. His belief was, that no legislative enactments you could devise would enable you to suppress it: that while ambitious men were rich, and avaricious men were poor, the principle would remain in active operation—that where the parties who evaded the law were both benefited by concealment, some mode would be invented to escape its penalties. He now came to the argument that was derived from intimidation, and on which he was aware that the advocates of the Ballot laid the greatest stress. It was far from his intention to deny, that the power of landlords might, in some cases, be harshly exercised, and whenever it was so exercised he joined with the hon. Gentleman in lamenting it; but, while he was ready to admit, that some cases of undeniable hardship did occur, he denied that they constituted the rule. He believed, that in nine cases out of ten, the connexion between landlord and tenant was one of mutual good-will, and that the tenant would be the first to repudiate and disown the boon that was held out to him. He confessed, that he should be sorry to see men released from all external influence, when they were engaged in the performance of social acts—he should be sorry to take away the means of conferring benefits from one party, and the means of requiting kindness from the other—he should be sorry to sow the seeds of distrust and discord under the colour of providing for independence. He believed, that it was by the very means which Gentlemen deplored, by the influence of property which they sought to subvert, and of example which they wished to remove, that the form of our mixed Government was preserved. He knew, that they could not rouse the people except at periods of great popular excitement; he knew, that in ordinary times men would not run counter to the feelings of their friends and landlords, but, so far from regarding this as any matter for regret or censure, he regarded it as the best and highest tribute which could be paid to the practical working of the Constitution. It might be just and reasonable, that at a great crisis popular opinion should exercise a pervading influence, but that mirror would be dimmed which was too closely breathed upon, and the Constitution of this country would cease to be a mixed one, if the House of Commons became the delegate, the mere functionary of the people. He (Mr. Gaskell) was also prepared to avow at once, that he had no wish to see property deprived of its fair and legitimate influence in the return of Members to Parliament. He wished to see it sufficiently powerful to ensure a feeling of sober and permanent attachment to the institutions of the land. They were told by Mr. Burke in that manual of political wisdom, his Reflections on the French Revolution, "that property being an inert and sluggish principle, must be predominant in the representation, and must be represented, in great masses of accumulation, or was not rightly protected, and that let the large landed proprietors be what they would, and they had their chance of being among the best, they were at the very worst the ballast in the vessel of the commonwealth." No longer ago than in the year 1831, the Whigs had held the same doctrine. He (Mr. Gaskell) had not then had the honour of a seat in that House, but he well remembered the answer which had been given by the Lord Advocate of Scotland to the argument, that the influence of property would be destroyed by the Reform Bill. It had been said by that learned Lord, "that in no quarter was there a doubt, that property ought to have a large influence in the election of Members to Parliament, and one of his great objections to the old system was, that a large proportion of boroughs was withdrawn from the natural and benignant influence of the property that surrounded them." He (Mr. Gaskell) trusted that the same opinions which had been entertained by the Government of Lord Grey were entertained by the Cabinet of Lord Melbourne. He had rejoiced to see the noble Lord, the Secretary for the Home Department, hoist the constitutional colours he had lately displayed, and proclaim to a large, and somewhat troublesome, section of his supporters, that if they desired any further changes in the Constitution of the country, they must not look to him for co-operation or support. He (Mr. Gaskell) trusted, that when the noble Lord had made that manly and satisfactory declaration, he had been giving expression to the opinion of a united Cabinet; and that his noble Friend, the Secretary for Ireland, and the Members for Nottingham and Manchester, were prepared to vote with the noble Lord against the motion before the House. He trusted, that the noble Lord would falsify the expectations of his friends, and not consent to peril his reputation in that House and in the country by condescending to remain the leader of an Administration in which the question of the Ballot had been made an open question. If the noble Lord should unhappily be induced to take another course, and if those expectations should be realised, then they would have occasion to say, as the noble Lord had said in 1835 to a right hon. Baronet who sat near him (Sir E. Knatchbull) "*Nusquam tuta fides?*" He (Mr. Gaskell), however, had no such apprehensions; he entertained a perfect confidence, that the noble Lord would adhere to the opinions he had formerly expressed. He trusted they would not be told, that they were inviting unpopularity by their rejection of this bill, or that petitions from Westbury and from Leominster were to be regarded as an indication of the real feelings of the people, "They were not to imagine," said Mr. Burke, "because a dozen grasshoppers under a fern made the field ring with their importunate chink, while thousands of great cattle were reposing beneath the shadow of the British Oak, that those who made the noise were the only inhabitants of the field." In his (Mr. Gaskell's) opinion, there was no danger to be apprehended out of that House, if they discharged their duty within it; but if the House of Commons should unhappily be induced, upon that or upon any subsequent occasion, to concede this question from a morbid desire for innovation and for change, then in his conscience he believed, that a fatal and irreparable blow would be struck at the civil liberties and at the moral character of the people.

Mr. *Macaulay* said, that having been long absent from that House, he wished it had been in his power to be, at least for some weeks, a silent listener to their debates; but the deep interest which he took in this question, and his sense of what he owed to a large and respectable portion of his constituents, whose views on this subject concurred with his own, impelled him to trust to that indulgence which it was customary in that House to bestow. But before he made any remarks upon the question immediately before the House, he wished to advert, for a short time, to one topic which had excited the greatest interest throughout the country, and to which the hon. Gentleman who had just sat down had made some very sarcastic, and not, he thought, exceedingly well-judged allusions. It was generally understood that her Majesty's Ministers had determined that the question of the ballot should be an open question—that all the members of the Government should be free to speak and vote on that question according to their individual opinions. It was natural that this determination should excite censure on the one side of the House, and applause on the other. For his own part, he must say, that, without any reference whatever to his opinion on this particular question, he was inclined, on higher and more general grounds, to approve of the determination of the Government. He rejoiced to see the number of open questions increasing; he rejoiced to see that they were returning to the wise, the honest, the moderate maxims which prevailed in that House in the time of their fathers and grandfathers. He said, that the practice of the House, in that respect, had undergone, in very recent times, a great change; he believed that another change was now taking place, and that they were reverting to a more prudent and rational system. To what precise extent it was desirable that the Ministers of the Crown should act in strict concert together in Parliament on the various legislative questions that came under consideration, was an exceedingly nice question, a question to which, so far as he was aware, no rigid and strictly drawn rule could be applied. Hon. Gentlemen on the other side, no doubt, possessed a great advantage over him; they were probably aware of much that might have passed during the last four or five years on this subject, with which he was unacquainted. But he was not aware that any speculative or practical statesman had ever been found, either in writing or speaking, to take any distinct line on this subject, and to trace out a definite line of action, for the guide of political prudence, in all cases, was, he believed, difficult, and perhaps impossible. It was perfectly plain, however, that there were but three courses possible with respect to the conduct of Ministers in dealing with legislative questions—either that they must agree on all questions whatever, or that they must pretend to agree where there was a real difference, or that they must leave each individual member of their body to take the course which his own opinion and inclination dictated. Now, that there should be a perfect agreement between Ministers on all questions, they knew to be impossible. That was not his expression, it was the expression of one who had long been the brightest ornament of that House—Lord Chatham. That great man said, "Talk of divided houses! Why, there never was an instance of an united Cabinet! When were the minds of twelve men ever cast in one and the same mould?" They knew that even if two men were brought up together from their childhood—if they followed the same course of study, mixed in the same society, communicated their sentiments to each other on all topics with perfect freedom, and exercised a mutual influence in forming each other's minds, a perfect agreement between them on political subjects could never be expected. How then was it possible that this agreement could subsist between a cabinet of of several persons imperfectly acquainted with each other? Every Government—he spoke neither of the present Government, nor of the late Government, nor of the Government which seemed about to be formed the other day—was constructed in such a manner that forty or fifty gentlemen, some of whom had never seen each other's faces till they were united officially, or had been in hot opposition to each other all the rest of their lives, were brought into intimate connexion. He meant to cast no reflection whatever on either side of the House, but such was the general character of all Governments, and complete unanimity in any was out of the question. It would, in truth, be an absolute miracle. Only two courses, therefore, remained. Either there might be a semblance of unanimity, where unanimity really was not, or each person might be left to act on his own opinions. He did not profess any extraordinary degree of prudery on matters of political morality. He was perfectly aware that in Parliament it was impossible any thing great could be done without co-operation, and he was aware that there could be no co-operation without mutual compromise. He admitted, therefore, that men were justified, when united into a party, either in office or in opposition, in making mutual concessions, in opposing measures which they might, as individuals, think desirable, in assenting to those which they might consider objectionable, and giving their votes, not with reference to the mere terms of the question put from the chair, but with reference to the general state of political parties. All this he admitted. If there were any person who thought it wrong, he respected the tenderness of his conscience, but that person's vocation was not for a public life. That person should select a quieter path for his passage through life, one in which he might play a useful and respectable part, but he was as completely unfitted for the turmoils of political strife as a Quaker, by his religious principles, was prevented from undertaking the command of a regiment of horse. Thus far he admitted; the principle of party combinations, but he admitted that they might be carried too far—that they had been carried too far. That a Member of the House should say "No," to a proposition which he believed to be essentially just and necessary—that he should steadily vote through all its stages in favour of a bill that he believed would have pernicious consequences, was conduct which he (Mr. Macaulay) should think was not to be defended. Such a course of action was not reconcileable to a plain man, whose notions of morality were not drawn from the casuists. He only defended the principle of mutual action among political partisans as being a peculiar exception from the great general rules of political morality, and it was clear, that an exception from the great rules of political morality should be most strictly construed, that it should not be needlessly extended, and, above all, that it should not be converted into the rule. Therefore, he said, that in the members of a Government, any concession of opinion which was not necessary to the efficient conduct of affairs, to cordial co-operation, was to be looked upon as unjustifiable. In saying this, he was not pleading for any innovation, he was attacking a modern basis of action, and recommending a return to the sounder and better maxims of the last generation. Nothing was more common than to hear it said, that the first time a great question was left open was when Lord Liverpool's Administration left the Catholic question open. Now, there could not be a grosser error. Within the memory of many persons living, the general rule was this, that all questions whatever were open questions in a cabinet, except those which came under two classes—namely, first, measures brought forward by the Government as a Government, which all the members of it were, of course, expected to support; and, second, motions brought forward with the purpose of casting a censure, express or implied, on the Government, or any department of it, which all its members were, of course, expected to oppose. He believed that he laid down a rule to which it would be impossible to find an exception, he was sure he laid down a general rule, when he said that fifty years ago all questions not falling under these heads were considered open. Let Gentlemen run their minds over the history of Mr. Pitt's administration. Mr. Pitt, of course, expected that every Gentleman connected with him by the ties of office should support him on the leading questions of his Government—the India Bill, the resolutions respecting the commerce of Ireland, the French commercial treaty. Of course, also, he expected, that no Gentleman should remain in the Government who had voted for Mr. Bastard's motion, of censure on the naval administration of Earl Howe, or for Mr. Whitbread's motion on the Spanish armament; but, excepting on such motions, brought forward as attacks on Government, perfect liberty was allowed to his colleagues, and that not merely on trifles, but on constitutional questions of vital importance. The question of Parliamentary reform was left open; Mr. Pitt and Mr. Dundas were in favour of it, Lord Mulgrave and Lord Grenville against it. On the impeachment of Warren Hastings, likewise, the different Members of Government were left to pursue their own course; that governor was attacked by Mr. Pitt, and defended by Lord Mulgrave. In 1790 the question, whether the impeachment should be considered as having dropped, in consequence of the termination of the Parliament, in which the proceedings were commenced, was left an open question; Mr. Pitt took one side, and was answered by his own Solicitor-general, Sir J. Scott, afterwards Lord Eldon. The important question respecting the powers of juries in cases of libel was left open; Mr. Pitt took a view favourable to granting them extensive powers, Lord Grenville and Lord Thurlow opposed him. The abolition of the slave trade was also an open question. Mr. Pitt and Lord Grenville were favourable to it; Mr. Dundas and Lord Thurlow were among the most conspicuous defenders of the slave trade. All these instances had occurred in the space of about five years. Were they not sufficient to prove how absurdly and ignorantly those persons spoke who told us, that the practice of open questions was a mere innovation of our own time? There were men now living—great men, held in honour and reverence—Lord Grey, Lord Wellesley, Lord Holland, and others, who well remembered, that at an early period of their public life, the law of libel, the slave trade, Parliamentary reform, were all open questions, supported by one section of the Cabinet, and opposed by another. Was this the effect of any extraordinary weakness or timidity on the part of the statesman then Prime Minister? No; Mr. Pitt was a man, whom even his enemies and detractors always acknowledged, possessed a manly, brave, and commanding spirit. And was the effect of his policy to enfeeble his Administration, to daunt its adherents, to render them unable to withstand the attacks of the Opposition? On the contrary, never did a ministry present a firmer or more serried front to Opposition, nor had he the slightest doubt but that their strength was increased in consequence of giving each Member more individual liberty. Where there were no open questions, opinions might be restrained for a time, but sooner or later they would show themselves, and when they did, what would be the consequence? Not, as in Mr. Pitt's time, when one Minister would speak against a measure and another for it —when one would divide with the ayes, and another with the noes, and as Mr. Pitt and Mr. Dundas did, all in perfect good humour, lest the Government should be dissolved. Now, as soon as one cabinet Minister got up and declared that he could not support the view taken by another upon any question, what was the result? The result had been seen. They all remembered the manner in which the Government of the Duke of Wellington, in 1828, dispensed with the services of some members of the cabinet, in consequence of a difference of opinion upon a subject which not one of Mr. Pitt's colleagues would have asked permission to vote against him. He did not pretend to draw the line precisely, but he was satisfied that of late the line had been drawn in an improper and inconsiderate manner. It was time they should return to better maxims, maxims which had been shown by experience to be sound and good. He was perfectly satisfied that the present Government would find, by taking this course on the present occasion, that they had increased their strength and raised their character. Now, to come to the particular question before the House, he should vote for the motion of the hon. Member for the city of London. He wished to explain that, in doing this, he was merely to be understood as giving a declaration in favour of the principle of secret voting. He desired to be understood as reserving to himself the right of withholding his support from any bill which, when he examined its details, did not appear to contain such provisions as would effect the object he had in view. He must reserve to himself, also, the right of considering how far he could, with propriety, give his support to any bill which should not be accompanied or preceded by some measure for improving the mode of revising the registration. He should think it most disingenuous to give a popular vote, saddling it with a condition which he thought either impossible or exceedingly difficult of fulfilment. Such was not his opinion. He had no doubt that it was possible to provide machinery which should give, both to the voter and to the country all the security which the transactions of human life admitted, and he had as little doubt that it was possible to devise a tribunal, whose decision on a vote before the election would command as much public confidence as the decisions of committees of that House after elections. Subject to these two conditions, he would give his support to the vote by ballot. He could not say that he did so upon the grounds on which many of the supporters of the ballot rested their case, because he by no means conceived, like many of them, that this was a case in which all the arguments lay on one side. He admitted that, in his opinion, the advantages that would be derived from this measure would be very great; but, admitting and feeling this, still he was not surprised that very wise and very virtuous men hesitated on this subject, and that such men came, on this subject, to a conclusion different from his. They must in this, as in almost every other question of human affairs, balance the good with the good, and the evil with the evil. He fully admitted that the ballot would withdraw the voter from the influence of something that was good as well as from the influence of something that was bad. He admitted that, it took away the salutary check of public opinion, as well as the pernicious effect of intimidation. He was compelled to strike a balance, and take refuge in the ballot, as the lesser of two evils. He did not, he must say, altogether agree with the Member for the city of London, if he perfectly understood him, in thinking that the ballot would secure that entire prevention of the bribery of voters which, on this subject, the hon. Member seemed inclined to hope. In small constituencies, he did think that bribery would continue, although, at the same time, it might not be so extensively entered into. He considered that the ballot was a remedy, a specific remedy, and the only remedy for the evils of intimidation; and, upon this ground, he gave it his support. There was a time when he, like the noble Lord who seconded the motion of the hon. Member for London, was inclined to hope that those evils, like many other evils which had yielded to the force of public opinion and the progress of intelligence, would die a natural death. That hope he had been compelled to relinquish. He believed the evil to be a growing evil, and he was satisfied that it had made progress within the last seven years. He believed it had made progress within the last three years. He could not disguise from himself that the growth of this evil was, in some measure, to be imputed to the Reform Act; and, in saying this, he only said it in common of the Reform Act, and of almost every great measure. The Reformation of the Church, they all knew, produced classes of society and moral evils that were unknown in the time of the Plantagenets. The Revolution produced a description of abuses that were unknown in the time of the Stuarts; and the Reform Act, although he believed no measure was more generally pleasing to the country, like the Reformation of the Church, and the Revolution, produced some new, and aggravated some old, evils; it swept away many abuses, but it seemed to him to have given a deeper and more malignant energy to the abuses which it spared. It swept away many of the old channels of corrupt influence, but, in those channels which it had not swept away, the corrupt current not only still ran on, but it ran on deeper, and stronger, and fouler than ever. It destroyed, or, if it did not destroy, it restricted within narrow limits, the old practice of direct nomination; but, in doing so, he believed it gave a new impulse to the practice of intimidation, and this at the very moment when it conferred the franchise on thousands of electors, and thus placed them in a situation in which they were most open to influence and intimidation. It was impossible to close their eyes to the evidence that was offered to them on every side. If he believed the outcry raised, not by one party, or from one corner of the kingdom, but by Tories, Whigs, and Radicals, in England, Scotland, and Ireland, he must believe that there were, sitting in that House, Gentlemen who owed their seats to votes extorted by fear. And he said, that if there was any Gentleman in that House who owed his seat to such means, it were infinitely better that he sat there for Old Sarum; for, by sitting there for Old Sarum, he would be no Representative of the people, nor was he a Representative of the people now. At Old Sarum there were no threats of ejectments because a voter had more regard to his public duty than to his private interest. At Old Sarum the voter was never put to the alternative whether he would abandon his principles, or reduce his family to distress. All tyranny was bad; but the worst was that which worked with the machinery of freedom. Under an undisguised oligarchy, the people suffered only the evil of being governed by those whom they had not chosen; but, to whatever extent intimidation mixed itself up with the system of popular election, to that extent the people suffered both the evil of being governed by those whom they had not chosen, and the evil of being coerced into a professed choice. A great number of human beings were thus mere machines through whom the great proprietors expressed their pleasure, and the greater their number, the greater the extent of misery and degradation. The noble Lord who had seconded the motion said, and most justly said, that he did not wish, in supporting this motion, to deprive wealth of its legitimate influence. Wealth, under any system, must always retain its legitimate influence. Wealth was power, and power justly and kindly used necessarily inspired affection. Wealth, or that which was so, compared with what was possessed by the great mass of electors, was closely connected with intellectual superiority. It enabled its possessor to select and prosecute any study to which he might be inclined; to continue it when those who commenced life with him, under less favourable circumstances, were forced to drudge for their daily bread; to enlarge his mind by foreign travel: to acquire an intimacy with the history of nations, and with the arts and sciences. These were advantages to which it was impossible that constituencies could be blind; nay, going much below those who formed the present body of electors, and descending to the very lowest of the populace, it never was found that, even in their wildest aberrations, they chose a leader destitute of these recommendations. This was the natural, the indestructible, the legitimate, the salutary influence of wealth. Whatever was more than this was corruption; and if it were thought necessary, as it appeared from the speech of the hon. Member who had last spoken, that some persons in that House did think it necessary to maintain the influence of bribery in our elective system, then he said, that incomparably the best and least objectionable method was that of open bribery. But against bribery they enacted laws; against bribery they passed resolutions; for bribery, boroughs were disfranchised; for bribery, Members were unseated; for bribery, indictments and informations were preferrred; for bribery, the penalties extended both to the elector and the elected; one man was disqualified, another man fined. On what principle did they inflict penalties on the elector—on what principle but this, that, from having dealt in pecuniary corruption, the elector was no longer fit to exercise the right of voting? But what was the operation of intimidation? It was this—"Vote with me, or give up my custom. Vote with me, or you give up your farm." Or it was thus—"Vote with me, and I will give you 20*l*. for a pair of boots. Why, surely it was notorious that this was one of the constant forms of corruption. "Vote with me, and I will give you 20*l*. for a pair of boots," was a common and constant form of corruption, though less so, perhaps, because less easy, than "Vote for me, or I will carry my custom to the boot-maker's in the next street." On what possible pretext could any man defend such an exercise of the power of wealth as this? and here he must say, that he almost dissented from the form of expression used by the hon. Member for London in his eloquent and excellent speech; he objected to the hon. Member making an antithesis between intimidation and corruption. He said, that intimidation was corruption in its worst and most loathsome form, stripped of every seduction, of every blandishment, of everything that had the appearance of liberality and good humour; a hard, strict, cruel corruption, seeking by means most foul, a most loathsome end. It was corruption working by barbarity; and this sort of corruption, this general sort of corruption, was, most unhappily, the easiest and cheapest of all. Corruption by gifts cost something, but corruption by threats cost nothing but the crime. It was only of a superfluity out of what was left after expending all that was necessary for the support of a family, that corruption by giving commenced: but how much worse was the corruption of taking away? The man who practised intimidation was under no necessity of mortgaging his estate to prepare for an election: nay, at the same time that he improved perhaps his lands, by the very mode of administering the economy of his family, he was able to effect by intimidation all the purposes of corruption to a greater extent, and with more complete demoralization than had ever been seen in Grampound or East Retford. But not only was intimidation worked easily and cheaply, but it was also most trying to the virtue of the persons that were subjected to it, inasmuch as it was much more easy to refuse that which a man never had, than to submit to be pillaged of that which he was accustomed to have. Many men who would not hesitate to throw down a purse if it were offered to him to vote for a particular candidate, would nevertheless vote against his conscience for fear of an ejectment. And he found, that this corruption which was the greatest, the easiest the cheapest, and the most trying to the party, was also the safest of all. It was also that sort of corruption which they allowed and must allow with perfect impunity. They could punish to a certain extent that good humoured corruption which corrupted by making men happy, but they could not punish that malignant corruption that corrupted by making men miserable. They could not set up an inquisitorial tribunal that would be entitled to ask these questions:—Why did you not continue such a lease—what fault did you find—did not the tenant do justice to the land—did he not pay his rent—was he disrespectful—and if not for his vote, why did you turn him out?" Or, to take the instance of a tailor after the Westminster election, could you put such questions as these:—"Why have you left him—had he not suited you—did he not fit you well—were his charges too high—and if not for his vote, why did you leave him?" Such a remedy would be worse than the disease. Property ceased to be property, if they called upon the proprietor for any reasons other than mere will and caprice, to state why he discharged his tailor or other tradesman. In what position, then, did they stand? Here was, as it seemed to him, a great evil—a growing evil—an evil much more fearful than many which had undergone the direct censure of the law. But it was so intertwined with the institution of property, that if they attempted to strike at it by means of an enacting bill, they would inflict necessarily a wound upon the institution of property. It seemed to him, then, considering punishment out of the question, that they could only try means of prevention. What were the means of prevention suggested? Absolutely none, except the ballot. Here, then, or nowhere we can find means of reconciling the rights of property with the rights of suffrage. In this way, only, could they enable each party really to do what he liked with his own. The estate was the landlord's the vote was the tenant's." "So use your own rights," was the language of all civil as well as moral law, "as not to interfere with the rights of others." But here, it should be remarked, they could not give the one right without infringing or rather destroying the other. Through a system of open voting, they could not give the landlord that dominion over his estate which he ought to have, without throwing in the dominion over his tenant's votes which he ought not to have, and under the same system of open voting they could not protect the tenant's votes without interfering with the landlord's property. Under a system of open voting, with rights opposed to each other, it was impossible to reconcile the differences between these two great principles on which depended the whole national prosperity, liberty and property. If, then, there was any mode of reconciling these principles, ought they not eagerly to embrace it, and most seriously to consider whether they would not find in the ballot the mode of reconciling them. Whether the ballot would not give equal and perfect protection to both. Whether it would not give to each just what they ought to have and nothing more than each ought to have? If this were, as he really believed it would be, the effect of the ballot, if here, and here only, they could find a solution of those difficulties, surely no slight objections ought to deter them from adopting it. The objection to the ballot, though by no means the only one raised in discussion, which appeared to throw any real difficulty in the way of carrying it was, as had been said, by an eloquent, ingenious, and lively speaker, that in the minds of the people there was a moral objection to it, otherwise nothing could prevent for a single session the carrying of the principle of vote by ballot. He must own that this objection, highly respectable as many of those who entertain it were, did not seem to him sound or well considered, because he hardly thought that it could be entertained by any respectable and sensible person, who considered, for a moment what was the amount of the evil effected by the present system. Surely if it were immoral to tell an untruth, at least it was equally immoral, having received a great public trust for the public good, to employ that trust to an evil purpose. If it were un-English not to dare to own the vote that was given, surely it was more un-English, not to dare to vote as he thought right. When the word un-English was used, they were compelled to contrast their idea of that bold and sturdy independence which had been their great pride as a national characteristic, with the situation of a man who, holding his farm from year to year, is compelled by fear of pecuniary loss and ruin to poll against him whom he wished to see chaired, and to vote for the candidate whom, with all his heart, he would see well ducked. At present they knew that many dishonest votes were given, but let a system of secrecy in voting be introduced and they would have honest votes, although the parties might afterwards deny that they had given them. Which was the greater evil of the two? God forbid that he should say anything that should seem to extenuate the guilt of falsehood, but God forbid also, that he should not make some allowance for the poor as well as for the rich. God forbid that he should see more distinctly the mote in the eye of the 10*l.* householder, than the beam in the eye of a baron or a bishop. If morality were anything more than capricious favour or mere pretext, they would have ample opportunities of exercising it, without waiting till the ballot became the law of the land, or without even descending below their own rank in life. If it were criminal in a man to utter an untruth for the purpose of guarding a secret against private curiosity, then he would say, that they would find many criminals of a far higher station, and of a far more cultivated intellect, than the bakers and butchers about whose veracity they were so anxious. He would take a single illustration from the case of anonymous writers. It was perfectly notorious that men of high consideration, men of the first distinction, had written books and published them without their names, and on being questioned, had denied that they were the authors of the works they had written; and yet this denial did not prevent them from being generally considered with respect and kindness in society. They had also seen casuists of great repute defend those parties. One illustrious name he would instance, which would no doubt suggest itself to all who heard him, the name of a first-rate man of genius, of excellent principles, and a noble spirit—he need hardly add the name of Sir Walter Scott. Sir Walter Scott published without his name that eminent and popular series of novels which had endeared him to all his countrymen, nay, almost to all the world, and which he for one could not think upon without feelings of the deepest admiration and gratitude. Sir Walter Scott published this series of novels anonymously, and to all questions put to him on the subject, persisted in denying the authorship of them, till at length he consented to drop the veil of concealment, and acknowledge them to be the productions of his pen. Now he would ask—and he appealed to many who were personally acquainted with that great man—he would appeal to them and ask, did this concealment and subsequent avowal of his name reflect any shame on the character of Sir W. Scott? — did any one of the large circle of his friends and admirers consider that Sir W. Scott had dishonoured himself by this proceeding All that he demanded was this, that we should, in the purity of our own moral feelings, think of the moral feelings of other classes, as well as of those belonging to that class to which we ourselves belonged; that we should have one weight and one measure; and that we should extend to those untruths by means of which the poor man seeks to protect himself from the encroachments of the gentleman, that pardon which we extend to the untruths by which one gentleman defends himself from the impertinent curiosity of another. He did not pretend to be a casuist, nor to be accustomed to weigh questions of this nature in a very nice balance, but he should hesitate, he almost thought, to advise an elector now-a-days to tell the truth and take the consequences. They had no right to expect sacrifices of that kind from everybody, or count on the moral courage to make them. As for the honest electors, that class of men—village Hampdens, Gray would have called them—they would be honest still if this measure were adopted. The man who would utter untruths when he had the ballot, was the man who would now be ready to give a corrupt vote. In fact, there was the same breach of faith in the one course as in the other. He was for neither. Of the two alternatives—of the two chances of evil—he thought the latter was to be preferred. In short, if the voters could not at once keep faith with their country, and with their corruptors, he was one who wished that we should have a system by which their faith might be kept to their country, and broken to their corruptors. If there were one system under which, more than another, it were easy for the elector to break his faith to the country, while he kept it with his corruptor, that system was the present. Another objection, which was sometimes put forward, was contained in this question, "Will you disturb that settlement which was made by the Reform Bill, and which we were then told was to be final." On this point he fully agreed with the hon. Member for the city of London. He thought that this question had been expressly reserved at the time of carrying the Reform

Bill; nor was he aware that a single person considered himself, by supporting the Reform Bill, to be pledged to do without the ballot. Now, with regard to the finality of the Reform Bill; he had always regarded that great measure with reverence,—but a rational, not a superstitious reverence; and he conceived that the question, whether it should be amended or not, should be considered upon no other principles, but the ordinary principles of public good. He saw many and strong arguments against frequent and violent changes in our constitutional system. He could not conceal from himself that the great revolution of 1832—for revolution it was, and a most fearful and sanguinary revolution it would have been in any other nation than this. That revolution was effected here without civil disorder, and without the effusion of blood; but unquestionably the passing of the bill was attended with much excitement and danger. That excitement and that danger he was not desirous to renew. He would bear with many inconveniences rather than open a similar scene; nay, he would bear with many grievances rather than agree to re-open the whole representative system which was established by the Reform Act. But if any man argued that the Reform Act ought to be final, he must, at the same time, admit, that it ought to be effectual, otherwise they would have cut off one form of misrepresentation merely to have it replaced by another. They must not allow that which they meant as a franchise to be turned into a species of villein service, more degrading by far than any that belonged to the dark era of the 14th century. It was not that threats should be substituted in the place of bribery—it was not for that result that the aristocracy had been conquered in their own strongholds; but it was for the establishment of a genuine suffrage, and of real, not pernicious, rights, that the Church, the aristocracy, and the Court together had been made to give way before the determined voice of a united people. The object of that mighty movement was not that old abuses should be brought back under new denominations, that the place of Old Sarum, the rotten borough, should be supplied by other Old Sarums, under the respectable names of counties and divisions of counties. No, nor was the time far remote, when this nation, with a voice as imperative as that with which she demanded the Reform Bill, would demand that the Reform Bill be carried out in the truth of its noble principle, and when that just and reasonable demand was conceded, as conceded it would be, and the franchise of every voter should be made a franchise indeed, they would find, that instead of having led the way, by this step, to reckless spoliation and confusion, in truth they had strengthened the law, secured to property its just rights, drawn closer the ties which united the two great orders of society to each other, and attached both of them all the more to the law, the Parliament, and the Crown.

Mr. *Milnes* spoke as follows:*—Mr. Speaker, I would most humbly deprecate the charge of presumption in attempting to address the House, after the eloquence and the argumentation with which we have been instructed and delighted; but I am certainly anxious to record my opinion on this important subject, before that time arrives to which my hon. and learned Friend, the Member for Edinburgh, seems to look forward with hope and exultation, when the word ballot shall take the place of the word reform, in arousing the passions, and flattering the desires of the people. I wish to speak while the poor man is still undeluded by the belief that vote by ballot shall give rest to his weary limbs, and food to his pining family, and while it is yet possible to regard the question as something more and better than the watchword of a party, anxious and resolute to depose one Ministry or to establish another. At the same time, I would congratulate the House on the practical tone of the present debate. For as long as a subject admits of purely speculative treatment—as long as a man may look at it through the spectacles of his own political philosophy, I do not see how the discussion can lead to any satisfactory result; not only because such discussions have in themselves a tendency to infinity, but because I believe it only to require a certain agility of rhetorical fence to ward off the most substantive philosophical argument. The question has now assumed the distinct and simple form of a recognised evil, and a proposed remedy. I readily take the admission of the hon. Member for Edinburgh, that against corruption the ballot can do little, and that it is with it, as a defence against intimidation, that we have primarily to deal. Now the landlord intimidates the tenant, and the customer the shopkeeper, because he believes him to be about to exercise or to have exercised his electoral privilege in a sense of which he, the landlord or customer, does not approve. It is this conviction which calls into action the will of the violent and tyrannical man, and excites him to assert that will by unjust and unconstitutional means. It is admitted, on all sides, to be most difficult—nay, almost impossible, in a country of free institutions, to control the exercise of this will, and recourse is therefore had to some means which may prevent or restrain the entertainment of the conviction. Will the vote by ballot working, as from consideration of national character and political circumstances, we are justified in believing that it will work, effect this object? I believe not. Much confusion has arisen from the supposed identity of vote by ballot and secret suffrage, and nowhere more so than in the historical analogies which have been brought to bear upon the present discussion. The example of Athens has been frequently appealed to; while it has been entirely overlooked, that the suffrage only became habitually secret in the latter and lower days of the republic—the days of the dishonest Nicomachus and of the death of Socrates; and that even then it was only in judicial proceedings, and never in the election of political functionaries, that the votes were secretly taken. The instance of America has too frequently been a staple of these debates; while secrecy there is neither attempted nor attained, and the name of a candidate or a symbol of the cause he advocates, is frequently imprinted on the voting-ticket. But, although vote by ballot is, perhaps, the mode which unites the greatest rapidity in voting with the greatest numerical precision, it has not, I believe, occurred to any one, that it would be advisable to substitute it for the present method in our comparatively limited electoral body, except as connected with the circumstance of secrecy. Would, then, vote by ballot in England be secret suffrage; or, at any rate, sufficiently secret to prevent the intimidator from asserting his criminal authority? I believe, Sir, that almost, if not quite all the cases of oppression which have most justly shocked the feelings, not only of the advocates of the ballot, but of all honest politicians, have occurred during the excitements of contested elections. They are not the fruits of hoarded vengeance, and animosity delayed; they are no projected encroachments on popular rights, no organized conspiracies of insolent ambition; they are the creatures of the thoughtless and uncalculating petulance of the time, and thus are frequently in the ranks of one political party as of another. Let me, then, ask the hon. Member for London whether his deep philosophical research, his long and accurate historical investigation, his knowledge of mankind, in this and other periods of the world, would lead him to the conclusion that men in this temper would stop short of the gratification of their will, when you have only substituted strong suspicion for open confirmation? Is injustice so scrupulous in the adjustment of its wrongs? is tyranny so careful of the direction of its violence? is jealousy so exigent of full and perfect proof before it falls upon its victim? is passion so precise, and anger so accurate, as to warrant you in believing that you will have forefended the voter against the oppression of the powerful, because you may have diminished the chances of positive evidence and limited his conviction to a moral certainty? It has not been distinctly stated by any of the advocates of this measure, whether it is their intention that the secret suffrage should be compulsory on all voters. There is many a rank weed in the garden of popular freedom; but though I might doubt whether, in this Parliament, such a law could be enacted, I have no doubt whatever as to whether, in this country, such a law would be obeyed. The refusal, then, to vote openly would be regarded by the intimidator as tantamount to a defiance of his will, and the issue would be just the same as it is now. But suppose the voter could conceal his vote, how is he to conceal his opinions? He may do it by two methods, and none other,—by systematised falsehood, or by total political apathy;—a fair choice for a free man! He must take in no newspaper, he must belong to no club, he must forego all those means of the reciprocation of intelligence, of which hon. Gentlemen on the other side of the House are so urgent, for all these run in some political course or other; he must be silent on all those matters, which those hon. Gentlemen suppose to be working in his heart, before his wife,—she may be a gossip before his children—they may be tell-tales before his friend, I do not say—he will have none. Suppose this man to have been the victim of intimidation, and to be now resolved to foil it by the use of the ballot and the means I have described; surely, surely, the second state of this man is worse than the first. If the evil of intimidation be, as is asserted, so deeply engrained in our political system, then must the remedy be deeply and severely applied. No more political demonstrations from the middle classes, no public meetings, no public requisitions to candidates, no more open conflict of public opinion—nothing but mine and countermine! Nor is this a vague fear, an uncertain possibility: it is, by the partisans of secret suffrage, unreluctantly anticipated. They see no injury to public feeling, in assimilating the election of a legislator to the choice of a companion at a club; no loss to political morality, in reducing the high and responsible duty of a citizen, to the exercise of the small conventionalities of polite life: they would readily establish the victory of the ballot on the ruins of the public spirit of the people of England. But, Sir, my fears cannot keep pace with their hopes, even if, through the instrumentality of delusive agitation, vote by ballot, does at length become part of the law of the land. Ours is not a written charter—our political system is the offspring of time, and the disciple of necessity; and the nationality of ages, and the habits of generations, are not to be merged in the most ingenious ballot-box, of which philosopher or mechanician ever dreamed. It is no common-place cant to call the ballot un-English; it is "un-English," not with reference to any fanciful analysis of national character, not as inconsistent with a traditionary ideal of what Englishmen ought to be, rather than what they are, but un-English so far forth (and this is all that we have to do with) as to prevent the process of it from working harmoniously and co-ordinately with the other parts of our social and political organisation; sufficiently un-English to render the practice of it impracticable in the sense in which it is taken by its supporters, and offered to this House and to the country. If, then, the ballot ever rises into a popular cry, it is in this spirit that it is to be met and conquered. Let every Member of this House, when he comes face to face with his constituents, no matter of what class or condition these are, let him simply and boldly ask, "How many of them are unwilling to declare their votes in the public presence of their fellow-citizens? How many are desirous of protection,—in plain English, are afraid; how many are anxious for concealment,—in plain English are ashamed of openly recording their political feelings? How many would care a straw for the privilege of the franchise, if their votes were to be given under this dull covert of secrecy, if there were to be no open communication, no free sympathy of political opinions? Let him call upon all such that are present to hold up their hands, and if, in any constituency of England, they are the fair majority, I will own myself to have been grievously mistaken. Tell me not that this is an appeal to the prejudices, rather than to the reason of men; call it prejudice, call it instinct, call it what you please, it is still a fact in the nature of mankind, and a fact strong enough to trample under foot the most careful calculation and the most accurate syllogism. There is, Sir, another point of view in which I should have been unwilling to regard this question, as it seems to assume that general secrecy which, in this country, I believe to be unattainable; but when I remember, that this night is, as it were, an interlude between two acts of the great debate on national education, I cannot help parenthetically suggesting to hon. Gentlemen opposite, that if it be totally unimportant, or even unjust, to discriminate between the more or less respectable, the better or worse educated parts of the constituency, if it be indifferent what proportion of the intelligence of the electors a Member represents, it follows that the ignorant are just as valid political judges as the best informed, and that all the anxiety of those hon. Gentlemen to raise the political tone of the people by means of education, all their pressure on the Government to spare no expense or labour in educating the masses (now declared to be so debased by ignorance) is inconsistent and absurd. I know, Sir, that all my representation of the inefficacy of the remedy proposed may be interrupted by the expostulation, "only to try it: you admit the evil; we only ask you to try our remedy; can anything be more reasonable?" Sir, I would answer to this, that I know of no such thing in political science as a pure and simple experiment. I know, that if the experiment fail, there is no going back with safety; no retracing the steps you may discover to have been erroneous; no placing yourselves where you were when the experiment was undertaken. Every act of legislation goes far beyond what is apparent at the time of its enactment; every least measure has its consequences, and those consequences, in some form or other, are infinite and eternal. The ballot will fail; it will deceive the excited hopes of the people, as the Reform Bill has deceived them; and the same demand will then be made as to the ballot, which is now made as to the Reform Bill: "We care nothing for the mere legislative form: that, you see, brings us no advantage—carry out the spirit of your ballot Act; give it a fair, free field to work in; extend your suffrage; shorten your Parliaments!" And if, after all this, the people are not contented, then —what then? Thus shall we go on, from change to change, from disease to remedy, and from remedy to disease, until all that is vigorous and stable in our social system be exhausted; until all natural influences and healthful rights be distorted or destroyed, and nothing be left us but that unmitigated discontent, which is at once the child and the parent of revolution. To those to whom the enactment of vote by ballot is but an antechamber to the wide and open halls of democracy, there is nothing in all this unwelcome or unwise; but I would call on those who trust not only in the finality of the Reform Bill, but in the permanence of our institutions; not only in the perfection of an edifice which is the work of their own hands, but in the truth and soundness of the foundations of national character on which our constitution has stood so long and so well to resist with untiring energy the continuous assaults of the hon. Member for London. "And is then," I may be asked, "this evil of intimidation a necessary component part of this your constitution? Do you recognize this, too, as established?" No such thing. My remedy is, the public spirit of the people of England. My cure is, the power of the democracy of England. Can any one for a moment contemplate what that power now is, and not feel that any systematised attempt at intimidation or coercion on the part of the privileged classes, is as the menace of the rush to the whirlwind? If I wanted to make a man's fortune in these days, I would hold him up as a political martyr. Do not believe, that the aristocracy of this country can continue habitually to play a game where the evil they inflict must, in the perception of the very blindest, ultimately recoil with ten-fold violence on the heads of the inflictors. The most passionate leveller of the ranks of orders of society could only desire that the upper classes should abundantly use these weapons of self-destruction; but I trust in the lessons they have learnt from recent experience, in their juster estimation of the relative positions of society, in their better discrimination between the assumption and the possession of power. Year by year examples of this undue influence will become less flagrant and more rare, and the people will soon feel, that it is not these and their authors, but themselves and their own irresponsiblity, that they have rightly to fear.

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* From a corrected report.

Sir *G. Staunton*, rose only to withdraw an amendment of which he had given notice and placed on the books to the following effect:—

> "That in order to ascertain by experiment the efficacy of the ballot, as a remedy for existing abuses at the election of Members of Parliament, it is expedient that in the first ten counties, cities, or boroughs, of which one-half or more of the registered electors shall petition for the same, the votes at the next ensuing elections for such places shall be taken by ballot."

Lord *J. Russell* said, in rising to address the House on this subject I feel I have no such excuse as that given by my hon. and learned Friend, the Member for Edinburgh, (whose speech stood in need of no recommendation but its ability and eloquence), who said that he was not used for some time to address this House, when I ask the attention of the House for some few minutes; for, Sir, I know—I am perfectly aware that there is nothing I can now address to the House, that has not been addressed to it frequently before, and the arguments I myself have used on frequent occasions I shall be obliged to repeat, meaning as I do to conclude, as I have always done, by declaring my intention of voting against the motion of the hon. Member for London. Sir, I own I could have wished that my hon. and learned Friend, the Member for Edinburgh, had taken a longer time to pause on this important question before he decided on sanctioning this change in the practice of election. I could have wished that he had longer trusted to what he said when Member for Leeds—"the growing and predominant influence of public opinion," before he finally determined to give the sanction of his vote, and what is more, the weight of his ability and argument in favour of this change. Sir, I was the more induced to regret his decision when I saw how little disposed he was to weigh duly what I think some of the strongest objections to this measure. My hon. and learned Friend has said, that no slight objections ought to stand in the way of the adopion of the ballot. But did those objections which he himself has admitted seem to the House of so very slight and inconsiderable a nature? Why, Sir, one of those effects he acknowleges will be to do away with the influence of public opinion. I own I should not have expected from my hon. and learned Friend, knowing what weight he attaches to public opinion, what influence, no doubt, he attributes to it, and would gladly see it produce in all our institutions and in all our public transactions—that in this act alone, and that a most important one, by which the representatives of the people are chosen, he should be content to have public opinion forego its influence, and that he should consider this one of the slightest objections which may be urged against the ballot. Sir, I have always considered (I am obliged, as I said, to recur to my former objections), that it was an evil that should make us pause and feel a repugnancy to this change, that we were thereby putting the electors of the United Kingdom in a totally different position from that of every other individual of every body, and of every authority, even the highest amongst us. The judges of the land, in pronouncing their judgments—the Houses of Parliament, in their proceedings and debates—even the conduct of the Sovereign, as we have on a late occasion seen, when on these rare opportunities an exercise of authority is called for apart from the advice of responsible Ministers of the Crown—even the conduct of the Sovereign, I say, has been made the subject of political discussion, has been openly canvassed and exposed to the influence of respectful yet free public opinion. And by that public opinion, or by the results of that public opinion, every one of us, the judges of the land, the Houses of Parliament, the Sovereign herself, is content and will be content to abide. And then we are to be told that there is to be one class of persons not comprehending the whole nation, but a chosen class amounting, as the hon. Member for Middlesex said, on a former night, to some fraction of the adult male population, to one-fifth or one-seventh, and that these persons are to be totally free and exempt from all the influence of public opinion, and in choosing their representatives uncontrolled by any responsibility—whether under the influence of the hatred of a person whom they pretend to love—whether under the influence of malice against a person whom they pretend to respect—whether under the influence of corruption, with the pretence of purity—under whatever influence they may act, however bad, however anxious, however incapable of being avowed—under such an influence and such a motive will these electors shield and shroud their conduct in the solemn act of selecting their representatives. I do hope then, Sir, that my hon. and learned Friend, although he may not change his opinion on the ballot, yet will consider that in adopting it he is foregoing a very great public advantage; and, that if he does feel himself driven to the necessity of doing so, he will feel that no slight or small objections stand in the way of him who assumes the responsibility of adopting a change which is incompatible with the practice of the Constitution, and may be found inconsistent with the future welfare of the people. I must ask, when it is proposed to me to adopt the ballot, in the first place, whether it will be a specific for the particular evils of which you complain; and in the second place, whether, supposing it may prove such a specific, and that those evils prevail to a great extent, it will not induce other evils unknown under the present system? Now, with regard to that first question, I have heard much from my hon. and learned Friend, most eloquently expressed, as to intimidation and corruption. I have heard much, too, from the hon. Member for the City of London with respect to the evils of intimidation. I allow the truth of every word which fell from both of them on this subject. I allow that the evils of intimidation are great, although I certainly modify that opinion so far as not to agree with them, that these evils are not probably carried to the very great extent which they assert. But allowing, that this intimidation is a very great evil, and that we ought to endeavour to remedy it, I think my hon. and learned Friend, and the hon. Member for London, though they arrived at that point, fell far short of proving, that the ballot was what we required. I have heard nothing either from the mover or seconder of the motion, which shows, that the proposition of the ballot will remove the evil of which they complain. Now, take the instance referred to by my noble Friend the seconder of the motion. A tenant is called on by the steward of his landlord to say, whether he voted in favour of a particular candidate. I do not believe, that for a long time at least, the ballot will prevent that intimidation. I do not believe, that the farmers and yeomen of England will practice that dissimulation which has been suggested, however wise it may be, or however it may receive the palliation, though not the justification, of my noble Friend. I believe that a very few months would decide the question, and that on the steward going to John Smith, and saying to him, "Were you up and voted? Whom did you vote for? [No answer.] Now, tell me fairly, did you not vote for the Whig candidate?" I venture to say that his reply would be, "I tell you fairly that I did vote for the Whig candidate." As matters are constituted at present, however, you may tell him, that he would be justified in saying, that he voted for the Tory when he actually voted for the Whig. However you may endeavour to prove to him by all kinds of refined and specious arguments that this pretext was a fair one, which he was entitled to use, I think his plain honest nature would prompt him to own what he had done. Well, then, if the landlord be determined to put in practice the "crime," as my hon. and learned Friend truly called it, of intimidation, as the consequence of this confession of the farmer, how do you expect it will operate? If these instances of persecution continue, they may operate in such a way as to induce the voter no longer to obey the plain dictate of his honest nature, no longer to avow frankly his politics, as he has hitherto done, no longer to admit the fact, that he voted as he really had done, but that he will gain something of that habit of deception which we are told he ought to assume. Then consider, that when we have in some degree cured the political evil of intimidation, we shall have introduced the social and moral evil of deception, of loss of truth, and loss of character; and I for one am not prepared for such an exchange. Now, Sir, it may be said, and it has been said, that although it is wrong that a person should declare, that he has voted for one whom he has not voted for, there is a falsehood in the present manner in which he gives his vote, and that, in fact, by the ballot we are only telling one falsehood for another. This answer only shows how very much at a loss the advocates of the ballot are to answer the objection that it would introduce want of truth into our election proceedings. I own, that it is a very degrading thing for a man who has a vote—who has that high trust confided to him—to go to the hustings and say, as he does say, "I have voted for Mr. so and so, but I must own I would much rather have voted the other way." That is a very degrading position. At the same time, I can't say, that it is exactly the same position as that which a man is placed in, who states after the election that he voted for the person whom he did not vote for; though one is a political offence—a degradation and a betrayal of the trust reposed in him, it does not cast the same reproach on his moral character as the other false assurance must necessarily inflict. Then with respect to bribery, all my hon. and learned Friend could say, as other less able and less candid advocates have admitted, was, that it would not greatly aggravate bribery. So that when you have got your machinery perfect—when you have sent the ballot box (which my learned Friend also doubts the expediency of adopting) down into every county, city, and borough—your intimidation, as it appears to me, does not cease, and the only consolation you can give, is that bribery will not thereby be greatly aggravated. Well, Sir, if it is not a specific, as I believe it not to be, for the existing evils, let me consider, whether, besides those I have already mentioned, there will not be new evils attendant on the change. I have often said, and nothing that I have heard has convinced me that I am not right, that the ballot would very much increase the dissatisfaction of those who have no votes. By the Reform Act, power was extended to thousands who never enjoyed it before, and at the same time on the one hand has arisen a much greater degree of knowledge, more independence, and a stronger interest in public affairs. On the other hand are the powers of property—powers exercised by some fairly, by many indifferently well, by others very tyranically. Here is an immediate collision between the two; the great number of electors exercising their franchise freely, and not wishing to employ it merely in accordance with the desire of their landlords; the landlords on the other hand, desiring to exert their power as in former times, and to compel their tenantry to vote in the same manner as themselves. Between these two there is a great collision. You say, that for this evil the only remedy is the ballot. I have already acquainted the House with my objections to that remedy but my opinion is, that if you do not adopt that remedy you will come, before any very long period has elapsed, to a better state of things, in which these powers of property will be exercised with a greater regard to the rights of the electors—when the landlord will not pretend to say, "Here is a man with a vote—he is a tenant of mine, therefore his vote belongs to me, and I have a right to command the exercise of it." I think, that the free and independent feeling of the people of the United Kingdom is strong enough to carry this change into effect without the interposition of the ballot. I believe in their virtue—I trust in their public spirit—I rely upon their intelligence—I believe that you will diminish all the evils now complained of without the aid of the ballot —and therefore it is that in this time of crisis, great as the complaints are, I think it is far better to let this matter work itself out rather than adopt so dangerous an expedient as that suggested by the hon. Member for London. After what my hon. and learned Friend (Mr. Macaulay) has said—and in his manner of discussing this subject, I must give him my thanks, as I have done upon many former occasions—after what he has said with respect to open questions, I do not mean to enter into any defence of the course which Government has taken in making this what is called an open question. If that is a fault, my hon. and learned Friend has shown that it has been a fault of former Governments. I took occasion, in the discussion upon the subject of the corn-laws, to show that over and again the practice of the Governments of this country, and of some of the strongest governments of the country, had been to allow many matters of great and important interest to the country, but upon which public opinion was much divided, to be discussed as open questions. When this question came on for discussion last year, I fairly and freely confessed that I had exerted all my influence, not only with the members of the Government with whom I was associated, but with many others with whom I was connected by the ties of friendship, to induce them not to vote in favour of the ballot. The only consequence was, that we had a division in which 200 Members, forming the greater part of those who sit on this side of the House, voted in favour of the proposition of the hon. Member for London (Mr. Grote). I do not think that in consequence of the opinion so expressed by so large a number of Members sitting on this side of the House, that I am in the least obliged to abandon my opinion, or to vote otherwise than I did upon that occasion; but at the same time I must observe, that if I had continued to press my opinions upon my Friends in the same manner as before, I think I should be acting most unjustly to those with whom I have been long acting in political affairs, whose opinions I respect, and whose conduct I deeply esteem.

Mr. *Sheil* believed it was the universal sense of the House that there ought to be a division upon the question that night. He should obey the wish of the House, and be as brief as possible. His observations would be very short indeed. He rose solely for the purpose of adverting to what he considered to be important facts —facts upon which he should scarcely make a comment. In the year 1833, at a dinner given at Gateshead, the Earl of Durham made an important disclosure—a disclosure in which many members of the Government, and several Gentlemen on the opposite side of the House were concerned. The Earl of Durham, upon that occasion, said, that it had been referred to him—to him, the Earl of Durham, to Lord Duncannon, to the noble Lord (Lord John Russell), now the Member for Stroud, but then the Member for Devonshire, and to the right hon. Baronet (Sir James Graham), at that time the Member for Cumberland, but now the Member for Pembroke—to arrange the programme of a Reform Bill. It was not stated by Lord Durham at that time what took place at that important conclave of intrepid innovators. A year afterwards a dinner took place at Edinburgh, at which Lord Grey, Lord Durham, and Lord Brougham were present. Upon that occasion references were made — obscure, but quite sufficient to excite further curiosity as to what took place on the important occasion to which he (Mr. Shiel) had previously referred. An article appeared in the *Edinburgh Review*, in 1834, the writer of which it was less difficult to detect than the giver of a vote dropped into the ballot box. In consequence of that article, Lord Durham wrote a letter in the month of October, 1834, to the distinguished editor of the *Edinburgh Review*. The matter rested there. The late King died; and a dinner took place at Stroud in July, 1837. Upon that occasion a speech was made by the noble Lord (Lord John Russell). He had in his hand a copy of that speech corrected by the noble Lord, from which he begged to be permitted to read one passage. It was very short; but it was most important. The noble Lord said,

"I am not about to address you with respect to the vote by ballot, and the duration of Parliaments, having declared my opinions upon these subjects the other day. I will only repeat now that, when I was a member of the committee which framed the great outlines of the Reform Bill, I was selected to propose a plan of which the chief heads were adopted by the committee. That plan began by proposing the total disfranchisement of fifty small boroughs, and the partial disfranchisement of fifty more; it then went on to propose the enfranchisement of all the great manufacturing towns. The plan originally contained no proposition with respect either to the ballot or the duration of Parliaments; but in the course of the discussions which took place in the committee, proposals were made upon those subjects which, after some consideration, were adopted; and in the plan which was ultimately submitted to Lord Grey's Cabinet, it was suggested that the vote by ballot should be adopted, and that the duration of Parliament should be five years. I am mentioning this fact because I know that several statements have been made upon this subject; and, at the time that these statements were made, I had the permission of his late Majesty to state any facts upon this subject which I thought necessary in the way of explanation. I have done so. I should, however, state, that at the same time that the ballot was proposed by the committee, it was suggested that the franchise should be raised to 20*l*. But the decision of Lord Grey's Government, upon the whole, was not to propose anything to the Legislature with respect to the duration of Parliament and the ballot, and ultimately the amount of the qualification for the franchise was fixed at 10*l*."

He (Mr. Sheil) would not venture to ask the question whether the programme, signed by the names of every one of the members of the committee, with the exception of Lord Duncannon, was forthcoming; but he did suggest this to those who had since changed their minds upon the ballot, "Are not the arguments upon the moral part of the case stronger now than they were then?" In what respect was the question changed in a moral sense?—for it was upon the moral part of the case that the noble Lord (Lord John Russell) exclusively, or at all events most strenuously relied. He (Mr. Shiel) had said, that he would rely upon facts: he would redeem his pledge: he would not be led into argument. When the Reform Bill was brought into the House of Commons, it was stated by the noble Lord that the question of the ballot was reserved. The hon. Member for Kilkenny (Mr. Hume) immediately got up in his place, and said, "I am glad that that question is reserved I am glad that it is postponed till we see how the Reform Bill works." Mr. Calcraft, upon the same occasion, said, "How can the noble Lord call this a final measure, when the ballot, a matter of paramount importance, is distinctly reserved." And when the Marquess of Chandos brought in his clause, what took place? Lord Althorp objected to it—upon what ground?—Why, that it would inevitably lead to the ballot. The Commons, however, adopted that clause, and when Lord Grey brought the bill into the House of Lords, he said, "The Bill does not now stand in the shape in which it was originally proposed—it has in several respects been mutilated and impaired by its opponents;" and then, particularly referring to the 50*l*. tenant-at-will clause, he added:

> "This last regulation is one which I certainly should not have proposed myself. It has been projected and carried by persons not connected with the Government, and the Government are not answerable for it. I hope it will be found to act well; but then it is liable, again, to this objection—that if the same influence be exercised over tenants in counties that has been exercised in other places, which it is not necessary for me now to name, it will be likely to generate a very strong feeling in favour of a regulation to which I am myself opposed — I mean the adoption of the vote by ballot.'

Did any man at that time say a word about the finality of the Reform Bill? Was a word said on either side of the House upon the point? Ay, there was; but it was not stated that the Reform Bill was final upon the subject of the ballot. No! the reverse was stated—the very reverse was asserted by friend and foe. By whom was it asserted? By the noble Lord, the Member for Stroud, by Lord Grey, by Mr. Calcraft, by Lord Wharncliffe? He hoped the House would permit him to read five sentences from the speech of Lord Wharncliffe upon the second reading of the Reform Bill in the House of Lords. Lord Wharncliffe said,—

> "He was ready to admit, that the increase to the country constituency on this last head (the tenant-at-will) did not proceed from his Majesty's ministers; but that it was imposed upon them by a noble Lord, a friend of his, in another place. In his opinion, the addition to the county constituency from this source was any thing but an improvement. Prima facie, it gave an appearance of weight to the landed proprietary; but the working of this clause would be this—that if any landlord ever exercised the power given to him by it, he would be placed in the same disagreeable

and obnoxious situation in which many high-minded individuals, who wished to get rid of refractory tenants were placed, under the present system. This clause, connected with the 10*l.* qualification clause, would place a great number of the new-made voters entirely at the mercy of their landlords; but their Lordships would deceive themselves egregiously if they imagined that the exercise of such a power on the part of the landlords would not lead almost instantly to the vote by ballot. If you make every election throughout the country a popular election, the only way in which a quiet man, unused to public speaking, and to the crowding, and jostling, and sarcasm of the hustings, can be protected, will be by means of the ballot; and that mode of election would certainly end in the introduction of the vote by ballot. Then came another ground put forth by the Government; he meant that this Bill would be a final settlement of the Reform question. It was impossible that it should be so. He had already warned their Lordships on this subject. He had warned them that the persons who were now most clamorous for reform had plainly declared to the country that they would not stop here. All of their Lordships who had read the public journals lately would want no other proof to convince them of the correctness of that assertion. In the other House of Parliament the matter had been clearly given up; for there the noble Lord who had introduced the Bill had fairly admitted that the Bill could not be final. That noble Lord had said, that the question now was, " Will the people be satisfied with the Bill?" for if they were not, Parliament must needs go further. He (Lord Wharncliffe) fully agreed in that opinion. Ministers had already opened a door to the demands of the people—they had told the people that they were entitled to a full, fair, and free representation in Parliament; and the people would insist on having that representation in perfect conformity with the ideas which they entertained of a full, fair, and free representation."

Let no man, after hearing that citation, which was a part of history (and to which every one had access), say, that the Reform Bill, upon the subject of the ballot, was final and conclusive. Were not the evils of the existing system admitted on both sides of the House? The noble Lord, the Member for Stroud, had talked, he would not say lightly, but had that night, talked of intimidation, as if it did not exist to an extent at all to warrant the eloquent expatiations of the hon. and learned Member for Edinburgh; but did the noble Lord remember, that in 1835, when the hon. Member for London brought forward the question of the ballot, the noble Lord stated that the election had been carried against him in Devonshire by intimidation, and that some of the members who had formerly acted upon his committee, had been compelled, as they assured him, to vote against him? And did not the right hon. Baronet, the Member for Tamworth himself, upon the same occasion, admit, that under the existing system a great deal of intimidation was constantly practised—a practice, added he, " which I detest." Was it even so? Did the right hon. Baronet say, that he detested the practice? Then, no doubt, the practice existed, for it was well known that the right hon. Baronet was not wont to waste his factitious detestation upon fictitious grievances? He did not say this in mockery of the right hon. Baronet. He believed that the right hon. Baronet's detestation of intimidation was sincere. But when the evil was admitted on all hands by the chief Members of the Government, and the chief opponents of the Government, he wished to see something done. What did the noble Lord propose? What did the right hon. Baronet, the Member for Tamworth, propose? If he might be pardoned for resorting to so homely a mode of expression, he thought that the position of both these important personages, with reference to this question, might be aptly enough described according to the jest common amongst his humbler and poorer countrymen, " What are you doing, Lord John?"—" Nothing," says he. " What are you doing, Sir Robert?" " Oh! I am helping Lord John" This was a state of things which could not continue.

Sir *J. Graham* said, he should not have risen at that hour, and especially after the speech of the noble Lord, to take a share in this discussion, if it had not been for some observations which had fallen from the hon. and learned Gentleman who had just sat down. On the general merits of the question he proposed to rest the vote he should give to-night, on the general arguments which had been adduced by the noble Lord, and by the hon. and learned Member for Edinburgh. But the hon. and learned Gentleman (Mr. Sheil) had referred to some facts which he termed historical, which that hon. Gentleman thought changed the complexion of the case, and he (Sir J. Graham) should frankly state to the House what he trusted would be a sufficient answer to what had fallen from the hon. and learned Gentleman. He was far from denying the share which had been allotted to him in the original draught of the measure to be submitted to the Cabinet of his late Majesty, with whom rested the preparation of the Reform Bill. He did not deny that he was associated in that charge with the noble Lord opposite (Lord J. Russell), Lord Durham, and Lord Duncannon. The noble Lord, it appeared, from the passage cited from his speech by the hon. and learned Member, had received from his late Majesty a permission to make such statements on the subject as he might think necessary for his own defence. The noble Lord exercised that power and discretion in the passage cited by the hon. and learned Gentleman in a manner of which he could not complain. But he must observe, that these disclosures of what had taken place amongst colleagues under the seal of secrecy, did not appear to contribute to that implicit confidence which ought to exist between colleagues, and could not certainly promote a freedom of discussion amongst confidential servants of the Crown. With these observations he should proceed to the disclosures of the noble Lord on the hustings at a general election. He must observe, that on the subect of the ballot it did appear that the noble Lord did not explain very clearly what his opinions were; but he saw a Gentleman behind the noble Lord who could bear witness that he (Sir J. Graham) in the election for Cumberland, had been perfectly explicit; he had said, that nothing whatever should induce him to support the ballot, and he lost his election. But with regard to the disclosures, he (Sir J. Graham) did not receive the permission of his late Majesty to make any disclosures on the subject of the original plan of the Reform Bill submitted to the Cabinet; he, therefore, could explain nothing—he could admit nothing—he could deny nothing. The hon. Member for the City of London and he were politically opposed, but he appealed to him, whether he was not bound by his oath of a Privy Councillor—he appealed to every Gentleman in the House, whether he could consider himself at liberty to disclose what had taken place under that seal of secresy? But the noble Lord might, if he pleased, carry his disclosures further. He should not object to the noble Lord stating at whose suggestion the ballot was inserted in the draught; still less should he object to his stating by whose votes the ballot was rejected. It was known that at that time there was in the Cabinet a keeper of the King's conscience, whose boast it was, that he had an argument which amounted to a mathematical demonstration that the ballot was impracticable. Whatever might be said by the noble Lord as to the introduction of the bill, he denied that during the progress of the discussion on the bill, the members of Lord Grey's Cabinet, as far as they themselves were concerned, ever understood that it was open to them to support the ballot or a further extension of the franchise; and he had the strongest possible reason for saying so: he supposed it would not be denied that Lord Althorp spoke the opinion of the Cabinet. The hon. and learned Gentleman, the Member for Edinburgh, had said, that with regard to a legislature and a people there must be changes, and he (Sir J. Graham) admitted that, with regard to a great nation, finality did not exist. But, with regard to individuals, he did contend, that in considering their solemn obligations and pledges as members of a Cabinet, he said that finality did exist; and though finality might not be binding on any of the noble Lord's colleagues who were not of Lord Grey's Cabinet, he did contend, that the pledge of finality was binding on them one and all. Was there any question as to the fact of Lord Althorp's pledge regarding the finality of the Reform Bill? These Gentlemen might have some doubt of this fact who had merely read certain pamphlets. The hon. and learned Gentleman had quoted from a speech in 1831. He (Sir J. Graham) should cite a passage bearing directly on the subject of the bill, from a speech of Lord Althorp's in 1833. Did hon. Members deny that it was apposite? The speech was in reply to the hon. Member for London, who in 1833 brought forward a motion for the ballot, which was directed against the finality of the Reform Bill. He entreated the House to listen:—

> "It had been stated by the hon. Member who brought forward this motion, that when his noble Friend (Lord John Russell) introduced the Reform Bill, he said, that this was a question not immediately connected with that measure. But he (Lord Althorp) appealed to every Gentleman who was in the last Parliament, and who knew the whole proceedings, whilst the question of reform was going on, whether the promoters of that measure did not contend, that, as far as representation was concerned, it was to be considered, and was proposed as a final measure."

Now, here was the origin of the very expression. It might be said, that there was a difference between the representation of the people and the vote by ballot. But what was the application of Lord Althorp of the pledge? He applied it to the motion of the hon. Member for London.

> "He (Lord Althorp) had stated that frequently to the House. It might be said, undoubtedly, that the vote he should give to-night would be inconsistent with that which he had given on the motion of the hon. and learned Gentleman(Mr. O'Connell."

Lord Althorp differed from him in this respect, that he had supported, on a former occasion, a motion for the ballot by the hon. Member for Dublin; now, he never advocated the ballot at any time; he had always refused his assent to it; he had more than once risked his election by opposing the ballot, and on the last occasion he lost his seat.

> "But," said the noble Lord, "if he were now to vote with the hon. Member for the city of London, he should be acting more inconsistently with everything he had stated during the whole progress of the measure of reform."

At the close of his speech, he said,—

> "He was conscious that he was liable to attack for the vote he should give; but if he gave his vote any other way, he should be liable to a still more merited attack."

And he (Sir J. Graham) could add his personal testimony, from his own knowledge, that when the hon. Member for London made his motion, Lord Althorp declared to him that he was not at liberty, whatever might be his private opinion, to support the ballot, as he was pledged to the finality of the Reform Act. He (Sir James Graham) had endeavoured to make his quotation bear upon the question. The hon. and learned Gentleman had referred to a speech made during the progress of the discussion; he (Sir James Graham) had adduced the opinion of Lord Althorp after the close and settlement of the question, and Lord Althorp had then, in terms as explicit as he could possibly have used, declared that, as a Member of Lord Grey's Government, he was not at liberty to support the ballot, though he had supported that question on a previous occasion. He was ready to leave the general question to rest on the speech of the noble Lord. He was, however, struck with something singular that ran through the whole texture of the speech of the hon. and learned Member for Edinburgh. He was glad to see that hon. Gentleman amongst them again, and considered his superior talents an ornament to the House; but he was struck by some of the topics on which he dwelt. What were the prominent topics? In the first place, he thought, in the abstract, that the practice of open questions was the greatest good that could exist in any country with a free constitution, and he cited the example of Mr. Pitt in respect to the reform question as a Minister, and to the slave trade as a Minister, and cited Lord Grey as a witness to the expediency of that course. Now, he had always understood, that if there was any transaction which afforded a ground of suspicion as to the sincerity of Mr. Pitt's conduct, it was his making the questions of reform and the abolition of the slave trade open questions, and had not carried them as a Minister of the Crown; and as to Lord Grey, it had been the great *shibboleth* of the Whig party to decry open questions; that to make a great measure an open question had been characterised by Lord Grey as a shabby escape from a difficulty. The hon. and learned Gentleman had said, that there was an alternative of three branches—you might meet the difference, or avow it, or make a compromise. But there was a fourth mode, which the hon. and learned Member had not noticed; and that was, when you cannot agree with your colleagues on a question of primary importance, if you find your colleagues conscientiously disapprove of your views, to resign office. What was the opinion of the noble Lord on the subject? He said, that you should not attempt to raise the anchor when the storm was louring and dark, and that it would be impossible to adopt the ballot, without a great extension of the suffrage, and that that would be dangerous. It was impossible, therefore, that the noble Lord could regard this as an indifferent question. It was necessary or unnecessary—it was safe or unsafe, and dangerous. If it was dangerous they ought not to risk its adoption; if it was safe and necessary, for Heaven's sake, adopt it, and bring the whole force of the country to support it. The safety of the country would release them from the pledge; let there be a fair field, and let the Government divide in favour of the ballot. That which he thought dangerous above all description, was a hollow specious resistance. It was as if a citadel were beleaguered, and the commandant opened the gates of the town, and told all the troops who were weary of the defence, to go forth and take part with the besiegers. He believed that it would be safer for this country, entertaining the opinion which he did of this measure, to have the Government branded with the revolutionary mark of the ballot upon them than to allow Members of the Government of great influence and great ability, to take their part on the popular side, whilst those who honestly, but still forcibly, resisted it, were dragging out an imperfect resistance, which sooner or later was sure of ending in defeat. Those Members of the Cabinet who supported the popular side would have an undue advantage over those who opposed it, and at last the Cabinet would be broken up when it was most dangerous to give way to popular impulse. He felt confident, that the inevitable consequence of that proceeding was, that those who took the popular side, although they might be inferior in talent or power to those who took a contrary view, would, ere long, supplant them. He certainly rejoiced at the gallantry with which the noble Lord opposite had fought the ballot question that night; but if the noble Lord consented to remain a Member of the Government, by whom it was considered an open question, he was persuaded that his signal defeat was not far distant, and that which the noble Lord declared was most dangerous to the country would ultimately succeed; whilst partaking of the views of the noble Lord as he did, as to the danger of this measure, he, in a most unhesitating manner, and with a clear conscience, was quite resolved to oppose the motion of the hon. Member for London, and by that decision to stand or fall.

Viscount *Howick* having on more than one occasion expressed his opinions on this subject to the House, certainly did not intend to enter into a repetition of those opinions; but there were some remarks of the right hon. Baronet, the Member for Pembroke, from which he so entirely dissented, that he could not allow the debate to close without expressing what his dissent was, and the reasons on which it was founded. The right hon. Baronet had told the House, that the Reform Bill was not a final measure in the sense of binding the Legislature of this country, not to adopt further changes, and had in deed admitted that no measure could in this sense be final; but he said, that it ought to be final and binding in the consciences of those who belonged to the Cabinet, by whom that measure was brought in, and they ought not to become party to any further change in the representation of the country. He was one of those who were most anxious to avoid any disturbance of that great settlement effected by the Reform Bill in 1832; but he could never sit in that House and allow it to be said, without expressing his dissent, that any Member of Parliament whether in the Government or out of it had a right, consistently with his duty to his country or his constituents, to bind himself as to what his future conduct should be under circumstances which he could not foresee, and in a state of things of which he was not aware. He would say, that Parliament could not bind its successors, and for the same reason each individual Member of Parliament was bound, to preserve his own freedom, to act according as future circumstances might render desirable for the interests of the country. Did not every hon. Member recollect what was the case in dispute that occasioned the relinquishment of the Government in 1807? Was it not because they refused to pledge themselves as to the advice they might in future time offer to the Sovereign? And could any hon. Member maintain, that any person should be bound, under no circumstances, to propose measures of change which he might think best for the country? What the Government, by the Reform Bill, bound themselves to was this, and only this, that in proposing that measure they did so honestly with a view of abiding by it, and not keeping out of sight any further changes which they had then the inetntion of proposing. He thought that this manner of understanding their expressions, would account for the language of Lord Althorp in 1833. But was the House, on that ground, to say that under totally different circumstances, they were not at liberty to consider what might be desirable under those changes? He would resist any further change from the Reform Bill, on the plain and reasonable principle which had been so ably and eloquently stated by the hon. and learned Member for Edinburgh. He believed, that a series of political changes was the greatest evil that could afflict any country. The great object was, that having got an improved legislature, they should apply it to those practical measures which directly bore on the welfare of the nation, and not to foster vague hopes of continual changes. He said, therefore, that as long as he saw practical advantage to the country under existing arrangements, to those arrangements he would adhere; and would be no party to petty or trifling reforms; to be forced through Parliament with all that agitation and difficulty which necessarily attended Constitutional changes, to which powerful interests opposed. ¡But, show him any such grievance,. as existed in 1831, convince him of the actual state of the representation being disadvantageous to the country, and he was ready, as in 1831, to reconsider those arrangements. He had already trespassed too long on the attention of the House; but he must say, one word as to the subject of open questions, since the right hon. Baronet opposite had referred to it. On the general expediency of open questions, he must confess he agreed more with the right hon. Baronet than with his hon. Friend behind him. They were evils, certainly, but nevertheless were evils which, to a greater or less extent, the Government of this country had for a long series of years been compelled to adhere to. The right hon. Baronet had quoted speeches of certain Members of the party to which he (Lord Howick) belonged, on this subject of open questions; but the right hon. Baronet must remember, that they applied to one particular question, and that was the Catholic question. With respect to that particular subject, he had always thought that treating it as an open question was peculiarly open to objection, because it was not a mere legal question, but one which affected the daily proceedings of the executive Government. The administration of Ireland was necessarily and practically affected by the individual opinions of the Ministers of that day, and he thought he could trace many of the evils which Ireland had felt to that fatal system of balancing a Catholic Secretary by an anti-Catholic Lord-Lieutenant, and that the effect of it was felt at the present day. But did any one tell him that the ballot was a question of that kind? He must say, when the right hon. Baronet told him that his hon. Friend having expressed a strong opinion against the ballot, he was in effect giving indirect support to the measure by continuing to belong to a Government by some of the Members of which it was taken up, that he was of a directly opposite opinion. In the present state of opinion in the country, both upon ballot and upon general politics, his firm conviction was that if it were generally understood by the country that a liberal system of policy —he did not mean to use the word liberal in any offensive sense, but as the shortest way of describing a system of policy which was opposed to hon. Gentleman opposite, if it were understood that a liberal system of policy could only be obtained by means of a Government which was united in favour of the ballot, in his belief was, that in a few years we should have a Government so supporting the ballot, and that they would carry the question. He, therefore thought, that instead of promoting that measure, the Government were, on the contrary, giving the best chance of resisting it by considering it an open question. He had told the hon. Member for London, that he most decidedly differed from him on the subject of the ballot. He was a decided opponent to the ballot; and if he believed, that by continuing a Member of a Government divided on that subject, he was advancing the period when it would be carried, he would tell the House, that to-morrow he would cease to be a Member of that Government.

Sir *R. Peel* said, that on the last occasion on which the question of the ballot was discussed, he entered so fully into the subject, that he was unwilling now to trouble the House with a repetition of his observations. All he would now say on that subject was, that his opinions remained unchanged, and he did not know that he should have risen at all, but for the doctrine laid down by the hon. and learned Member opposite, as to the policy of open questions. He must say, he participated with his right hon. Friend in rejoicing at the return of the hon. and learned Gentleman (Mr. Macauley), for however formidable an opponent he might be, and however powerful he (Sir R. Peel) might feel that opposition to be, yet he must say, he felt so great an interest in the general character and reputation of Parliament, that he could not regret the return of so distinguished and able a Member. If he had wanted an exemplification of the inconvenience and danger of open questions, he should have found it in the speech just made by the noble Lord, the Secretary for War. That noble Lord said, that the consequence of making the ballot an open question, would be to retard the carrying of the ballot. That might be a good reason for the noble Lord to vote against it; but what must be the situation of his hon. Friends, who were friendly to the ballot, when they were told by their colleague, the position in which they stood was most fatal to the measure. What a tendency must it have to destroy the force of party, to destroy the reciprocal force of Members of the Government, when they vote in different ways. He well remembered the Catholic Question, and all the inconveniences that arose from it; but why was the ballot different from that? According to the opinions of some of the colleagues of the noble Lord, they were not to consider the abstract merits of the ballot, but to look to the consequences of it, one of which consequences would be, to make extensive changes in the representation of the country. But what was more important than that the ballot should be coupled with the consequences of it to this country? He would take the letter of the noble Lord to his electors. The noble Lord there said,

"I told you, at my election,' not to expect that I should vote in favour of ballot. I have expressed in Parliament the opinion, that ballot alone would not satisfy the people at large. Some rebuked me for mixing two questions altogether distinct, and some among my friends voted for ballot, determined not to consent to an extension of the suffrage. 'It was with some satisfaction, therefore, that I saw in the *Morning Chronicle* of March the 25th of the present year, this manifesto."

Now, he recollected, when the noble Lord, the Member for Dorsetshire, referred to the *Morning Chronicle*, it being said by certain hon. Members opposite—

"We have no communication with the *Morning Chronicle*, and it is not to be referred to in this House."

But when the noble Lord wishes to make use of the *Morning Chronicle*, he could do so, not merely quoting from it, but dignifying it by introducing extracts from it into his letter. The manifesto was this:—

"Our first point of union is the ballot. But the ballot, combined with the presented limited franchise, and in the present, which is likely to be the permanent, temper of the disfranchised, would be an unendurable anomaly. It would aggravate the existing breach between the middle and working classes."

The noble Lord was here quoting from the *Morning Chronicle*, and continued, "I entirely agree in this opinion." They talked of practical results following the ballot, and what were they? To aggravate the breach between the middle and working classes. Why, in the present state of this country, could there be a greater evil than an increase of disunion between these classes? The noble Lord had said, he believed if the ballot could be made effectual, those who had no votes, would be more discontented than now. The words of the noble Lord were,

"I believe, if ballot could be made effectual, those who have no votes would be far more discontented than they now are. Ballot is suited to an absolute government of the few, or a free government where the suffrage is universal. The absolute aristocracy of Venice used in its perfection; the people of the United States use it; it accords with their principle, 'that the majority is to govern.' The will of the people of the United States is supreme; it has no check, and every one shares in the sovereignty. But for the middle classes of this country to pretend to an irresponsible and secret power over the destinies of the country would be, as the *Morning Chronicle* says, 'an unendurable anomaly.'"

That was the consequence of the ballot; an unendurable anomaly. The noble Lord (Lord Howick) had admitted the practical inconvenience of open questions, and said, that he only agreed to this one being such, from the hope of defeating the ballot. The hon. and learned Member opposite said, the practice of open question should prevail more than it has hitherto done, but that there were two exceptions. [Mr. *Macauley*—I said, historically so.] One exception was, when an attack was made on the Government, and the other when the Government brought forward public measures. But the hon. Member must see that the tendency of making open questions was, to prevent public measures being brought forward by the Government; that they would become neutral in public affairs, and that they would always avoid to determine the dilemma they might be placed in by not bringing forward any measures at all. That was the state to which they were reduced on the Catholic question. It was the same on the Corn-laws at the present time; it was the same on the ballot. Had it not convinced them that there was no other way of satisfactorily settling that question, or extinguishing it, than by the Government being united in it? By not doing so they were holding out an inducement to every Government to shrink from its proper duties, and leaving every Member of it to act as he pleased. He deprecated exceedingly the principle of making questions of vital importance open questions. It appeared to him to destroy altogether the purposes of party collection. If that principle were admitted, there was no reason why men of the most opposite views might not unite in the Government, having come to the understanding between themselves that they would cautiously abstain from touching on questions about which they differed. It would sow the seeds of disunion in a Government; and how, too, would they dispose of their patronage? On these grounds he could not concur in the doctrine of the hon. and learned Gentleman. As his right hon. Friend had said respecting the imputation thrown on Mr. Pitt as to the Catholic question, the slave trade, and reform, it appeared that he was constantly defeated on them, thereby showing the inconvenience of this system. He begged to remind the hon. Gentleman of the speech of Mr. Burke on the divided state of Government from open questions. The hon. Gentleman must recollect the speech, but as he (Sir R. Peel) had the book in his hand, he would read the extract. It was on the formation of Mr. Pitt's second Ministry. The right hon. Baronet then read the extract, in which Mr. Burke spoke of the Cabinet as being "like a tessalated pavement, here a bit of black stone and there a bit of white; that it was most curious to look upon, and most dangerous to handle. It was of exquisite workmanship and curiously dovetailed, but was so delicate that it could not stand." With respect to the Catholic question and the Administration of Lord Liverpool, he recollected that Mr. Tierney, in his attack on the Government for having open questions, having the passage of Mr. Burke in his mind, had not compared them to a piece of tessalated pavement, but to the black and white keys on a piano forte. If the principle of the hon. and learned Gentleman were correct, there was no reason why he and his hon. Friends should not go over to the other side of the House, having an understanding between themselves as to open questions, by not bringing forward questions on which there was any difference of opinion amongst them, and by preventing, as far as possible others from doing so too.

Mr. *Grote* rose amidst loud cries of "Divide" and "Question," and said, that, at that late hour, he would not trouble the House with many observations. He had endeavoured to provide a remedy for a great and flagrant evil; an evil admitted by all, denied by none. The remedy he had proposed was the ballot, and he must suppose it to be the only one, as no hon. Member had suggested any other. It was now avowed to the House by the noble Lord, the Secretary at War, that the Cabinet had made the ballot an open question solely for the purpose of retarding. The noble Lord might be sure that the House and the country would mark that declaration.

Viscount *Howick* explained. The hon. Member for London had attached more importance to his words than they deserved. What he expressed was his own individual opinion; and his hon. Friends near him, who took a different course as to the vote by ballot, would take a different view of the effect of making this an open question.

The House divided:—Ayes 216; Noes 333—Majority 117.

List of the AYES.

Abercromby, G. R.
Aglionby, H. A.
Aglionby, F.
Alcock, T.
Anson, Colonel
Anson, Sir G.
Archbold, R.
Attwood, T.
Bainbridge, E. T.
Baines, E.
Barnard, E. G.
Barron, H.
Barry, G. S.
Beamish, F. B.
Bellew, R. M.
Berkeley, hon. H.
Bernal, R.
Bewes, T.
Blake, M. J.
Blake, W. J.
Blewitt, R. J.
Blunt, Sir C.
Bodkin, J.
Bowes, J.
Brabazon, Sir W.
Bridgeman, H.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Bryan, G.
Buller, C.
Bulwer, Sir E. L.
Busfield, W.
Butler, hon. Colonel
Byng, G. S.
Callaghan, D.
Campbell, Sir J.
Cave, R. O.
Chalmers, P.
Chapman, Sir M. L.
Chester, H.
Chichester, J. P. B.
Clay, W.
Clive, E. B.
Codrington, Sir E.
Collier, J.
Collins, W.
Conyngham, Lord A.
Craig, W. G.
Crawford, W.
Currie R.
Dashwood, G. H.
Davies, T. H.
Denison, W. J.
Denistoun, J.
D'Eyncourt, C. T.
Divett, E.
Duke, Sir J.
Duncombe, T.
Dundas, C. W. D.
Dundas, F.
Dundas, hon. J. C.
Easthope, J.
Elliot, hon. J. E.
Ellice, Capt. A.
Ellice, E.
Ellis, W.
Erle, W.
Euston, Earl of
Evans, Sir De L.
Evans, G.
Ewart, W.
Fielden, J.
Fenton, J.
Ferguson, Sir R.
Ferguson, R.
Finch, F.
Fitzgibbon, hon. R.
Fitzroy, Lord C.
Fleetwood, Sir P. H.
Fort, J.
Gillon, W. D.
Gordon, R.
Grattan, H.
Grey, Sir G.
Guest, Sir J.
Hall, Sir B.
Hallyburton, Lord
Harvey, D. W.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hayter, W. G.
Heathcoat, J.

Hector, C. J.
Hindley, C.
Hobhouse, T. B.
Hodges, T. L.
Hollond, R.
Horsman, E.
Howard, F. J.
Hume, J.
Humphery, J.
Hutt, W.
Hutton, R.
James, W.
Jervis, J.
Jervis, S.
Johnson, General
Kinnaird, hon. A. F.
Lambton, H.
Langdale, hon. C
Langton, W. G.
Leader, J. T.
Lister, E. C.
Lushington, C.
Lushington, Dr. S.
Lynch, A. H.
Macauley, T. B.
M'Leod, R.
Macnamara, Major
M'Taggart, J.
Marshall, W.
Marsland, H.
Maule, hon. F.
Molesworth, Sir W.
Murray, A.
Muskett, G. A.
Norreys, Sir D. J.
O'Callaghan, C.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, Morgan
O'Connell, Maurice
O'Connor, Don
O'Ferrall, R. M.
Ord, W. H.
Paget, Lord A.
Paget, F.
Palmer, C. F.
Parker, J.
Parnell, rt. hn. Sir H.
Parrott, J.
Pattison, J.
Pechell, Captain R.
Pendarves, E. W. W.
Philips, M.
Phillpots, J.
Pigot, D. R.
Ponsonby, hon. J.
Power, J.
Pryme, G.
Ramsbottom, J.
Redington, T. N.
Rice, E. R.
Rich, H.
Rippon, C.
Roche, E. B.
Roche, W.
Roche, Sir D.
Rundle, J.
Russell, Lord
Russell, Lord C.
Salwey, Colonel
Sanford, E. A.
Scholefield, J.
Scrope, G. P.
Seale, Colonel
Sharpe, General
Sheil, R. L.
Shelbourne, Earl
Sinclair, Sir G.
Smith, B.
Somers, J. P.
Somerville, Sir W.
Speirs, A.
Standish, C.
Stanley, E. J.
Stanley, M.
Stanley, W. O.
Stansfield, W. R. C.
Stewart, R.
Stewart, J.
Stuart, Lord, J.
Stuart, V.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Talfourd, Sergeant
Tancred, H. W.
Thomson, rt hn. C. P.
Thornely, T.
Troubridge, Sir E. T.
Turner, W.
Verney, Sir H. Bart.
Vigors, N. A.
Villiers, hon. C. P.
Vivian, Major
Vivian, J. H.
Vivian, rt. hn. Sir R. H.
Wakley, T.
Walker, R.
Wallace, R.
Warburton, H.
Ward, H. G.
White, A.
White, H.
White, S.
Wilde, Sergeant
Williams, W.
Williams, W. A.
Wood, Sir M.
Wyse, T.
Yates, J. A.

TELLERS.

Grote, G.
Worsley, Lord

List of the NOES.

Acland, Sir T.
Acland, T. D.
A'Court, Captain
Adare, Viscount
Alford Lord
Alsager, Captain
Alston, Rowland
Andover, Lord
Arbuthnot, hon. H.
Archdall, M.
Ashley, Lord
Ashley, hon. H.
Attwood, M.
Bagge, W.
Bagot, hon. W.
Bailey, J.
Bailey, J., jun.
Baillie, H. D.
Baker, E.
Baring, F. T.
Baring, F.
Baring, H. B.
Baring, hon. W. B.
Barneby, J.
Barrington, Viscount
Bateson, Sir R.
Bell, M.
Benett, J.
Bentinck, Lord G.
Bethell, R.
Blackstone, W. S.
Blair, J.
Blakemore, R.
Blandford, Marq. of
Blennerhasset, A.
Boldero, H. G.
Bolling, W.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Brownrigg, S.
Bruce, Lord E.
Bruges, W. H. L.
Buck, L. W.
Buller, E.
Buller, Sir J. Y.
Burdett, Sir F.
Burrell, Sir C.
Burroughes, H. N.
Byng, G.
Calcraft, J. H.
Canning, rt. hn. Sir S.
Cantilupe, Viscount
Cartwright, W. R.
Castlereagh, Viscount
Cavendish, hon. C.
Cavendish. hon. G. H.
Cayley, E. S.
Chapman, A.
Chetwynd, Major
Childers, J. W.
Christopher, R. A.
Chute, W. L. W.
Clayton, Sir W.
Clive, hon. R. H.
Codrington, C. W.
Cole, hon. A. H.
Cole, Viscount
Colquhoun, J. C.
Compton, H. C.
Conolly, E. M.
Cooper, E.
Coote, Sir C.
Copeland, W. T.
Corry, hon. H.
Courtenay, P.
Cowper, hon. W. F.
Cresswell, C.
Dalrymple, Sir A.
Damer, hon. D.
Darby, G.
Darlington, Earl of
De Horsey, S. H.
Dick, Q.
D'Israeli, B.
Donkin, Sir R. S.
Douglas, Sir C. B.
Dowdeswell, W.
Duffield, T.
Dugdale, W. S.
Dunbar, G.
Duncombe, hon. W.
Duncombe, hon. A.
Dungannon, Lord
Du Pre, G.
East, J. B.
Eastnor, Lord
Eaton, R. J.
Egerton, W. T.
Egerton, Sir P.
Egerton, Lord F.
Eliot, Lord
Ellis, J.
Estcourt, T.
Estcourt, T.
Farnham, E. B.
Farrand, R.
Fazakerly, J. N.
Feilden, W.
Fector, J. M.
Fellowes, E.
Ferguson, Sir R. A.
Filmer, Sir E.
Fitzpatrick, J. W.
Fitzroy, hon. H.
Fleming, J.
Foley, E. T.
Forester, hon. G.
Fremantle, Sir T. W.
French, F.
Freshfield, J. W.
Gaskell, J. Milnes
Gladstone, W. E.
Glynn, Sir S. R.
Goddard, A.
Godson, R.
Gordon, hon. Captain
Gore, Ormsby, J. R.
Gore, Ormsby, W.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Grant, F. W.
Greene, T.
Grimsditch, T.
Grimston, Viscount
Grimston, hon. E. H.
Grosvenor, Lord R.
Hale, R. B.
Halford, H.
Handley, H.

Harcourt, G. G.
Harcourt, G. S.
Hardinge, rt. hn. Sir H.
Harland, W. C.
Hawkes, T.
Hayes, Sir E. S.
Heathcote, Sir G.
Heathcote, Sir W.
Heathcote, G. J.
Heneage, E.
Heneage, G. W.
Henniker, Lord
Hepburn, Sir T. B.
Herbert, hon. S.
Herries, rt. hon. J. C.
Hill, Sir R.
Hillsborough, Earl
Hinde, J. H.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Holmes, hn. W. A'C.
Holmes, W.
Hope, hon. C.
Hope, H. T.
Hope, G. W.
Hotham, Lord
Houldsworth, T.
Houstoun, G.
Howard P. H.
Howick, Visct.
Hughes, W. B.
Hurt, F.
Ingestrie, Lord
Ingham, R.
Inglis, Sir R. H.
Irton, S.
Irving, J.
Jackson, Mr. Sergeant
James, Sir W. C.
Jenkins, Sir R.
Jermyn, Earl of
Johnstone, H.
Jones, J.
Jones, T.
Kelly, F.
Kemble, H.
Kelburne, Viscount
Knatchbull, right hon, Sir E.
Knight, H. G.
Knightley, Sir C.
Knox, hon. T.
Lascelles, hon. W. S.
Law, hon. C. E.
Lefroy, right hon. T.
Lemon, Sir C.
Lennox, Lord A.
Leveson, Lord
Liddell, hon. H. T.
Lincoln, Earl of
Litton, E.
Lockhart, A. M.
Long, W.
Lowther, hon. Colonel
Lowther, Lord
Lowther, J. H.
Lygon, hon. General
Mackenzie, T.
Mackenzie, W. F.
Mackinnon, W. A.
Maclean, D.
Mahon, Viscount
Maidstone, Lord
Manners, Lord C. S.
Marsland, T.
Marton, G.
Master, T. W. C.
Mathew, G. B.
Maunsell, T. P.
Meynell, Captain
Mildmay, P. St. John
Miles, W.
Miles, P. W. S.
Miller, W. H.
Milnes, R. M.
Mordaunt, Sir J.
Moreton, A. H.
Morgan, C. M. R.
Neeld, J.
Neeld, J.
Nicholl, J.
Noel, W. M.
Norreys, Lord
Ossulston, Lord
Owen, Sir J.
Pack, C. W.
Pakington, J. S.
Palmer, R.
Palmerston, Visct.
Parker, M.
Parker, R. T.
Parker, T. A.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, Col. J.
Pemberton, T.
Perceval, hon. G. J.
Phillips, Sir R.
Pigot, R.
Planta, right hon. J.
Plumptre, J. P.
Polhill, F.
Pollen, Sir J. W.
Pollock, Sir F.
Powell, Colonel
Powerscourt, Visct.
Praed, W. T.
Price, Sir R.
Price, R.
Pringle, A.
Pusey, P.
Rae, rt. hon. Sir W.
Reid, Sir John Rae
Rice, rt. hon. T. S.
Richards, R.
Rickford, W.
Rolfe, Sir R. M.
Rolleston, L.
Round, C. G.
Round, J.
Rumbold, C. E.
Rushbrooke, Colonel
Rushout, George
Russell, Lord J.
Sanderson, R.
Sandon, Viscount
Scarlett, hon. J. Y.
Seymour, Lord
Shaw, right hon. F.
Sheppard, T.
Shirley, E. J.
Sibthorp, Colonel
Slaney, R. A.
Smith, A.
Smith, G. R.
Smyth, Sir G. H.
Somerset, Lord G.
Spencer, hon. F.
Spry, Sir S. T.
Stanley, E.
Stanley, Lord
Staunton, Sir G. T.
Stewart, John
Stock, Dr.
Stormont, Lord
Sturt, H. C.
Sugden, Sir E.
Surrey, Lord
Talbot, C. R. M.
Teignmouth, Lord
Tennant, J. E.
Thomas, Col. H.
Thornhill, G.
Townley, R. G.
Trench, Sir F.
Turner, E.
Tyrrell, Sir J. T.
Vere, Sir C. B.
Verner, Col.
Vernon, G. H.
Villiers, Lord
Vivian, J. E.
Waddington, H. S.
Wall, C. B.
Walsh, Sir J.
Welby, G. E.
Whitmore, T. C.
Wilbraham, G.
Williams, R.
Williams, T. P.
Wilmot, Sir J. E.
Wilshere, W.
Winnington, T. E.
Wodehouse, E.
Wood, C.
Wood, Col. T.
Wood T.
Wrightson, W.
Wyndham, W.
Wynn, rt. hon. C.
Yorke, hon. E. T.
Young, J.
Young, Sir W.

TELLERS.
Clerk, Sir G.
Smith, R. V.

Paired off.

FOR.	AGAINST.
Lord M. Hill	Colonel Percival
Mr. J. Martin	Mr. F. Tollemache

HOUSE OF COMMONS,

Wednesday, June 19, 1839.

MINUTES.] Bills. Read a first time:—Lower Canada Government; Highway Rates.

Petitions presented. By Messrs. T. Egerton, Bewes, W. Patten, Christopher, R. Hill, Clive, Gladstone, Codrington, Burroughs, Blackstone, Bagge, Round, W. Duncombe, Godson, Sirs J. Graham, R. Peel, G. Sinclair, R. Inglis, J. Y. Buller, W. Follet, C. Knightly, T. Freemantle, C. B. Vere, R. Bateson, Lords Elliot, Worsley, Sandon, Ingestrie, C. Manners, Stanley, Dungannon, and Ashley, and Colonel Sibthorpe, from a great number of places, against, and by Messrs. Crawley, Hawes, T. Duncombe, F. H. Berkeley, Lords Melgund, and A. Conningham, and Captain Pechell, from a number of places, in favour of the Government plan for National Education.—By Mr. M. Parker, from the county Palatine of Lancaster, against the County Courts Bill.—By Mr. T. Duncombe, from Finsbury, and Mr. R. Currie, from Northampton, for a Uniform Penny Postage.—By Lord Dungannon, from Chepstow, against any further Grant to Maynooth College.—By Mr. Macauley, from Edinburgh, for Church Extension in Scotland.

GOVERNMENT OF JAMAICA — SECOND MEASURE.] On the motion that the order of the day for the third reading of the Jamaica Bill be read,

Mr. *Hume* begged to be informed whether the request of the House of Assembly, praying her Majesty's Government to tell them whether they would be allowed to legislate for the colony, had received any answer from the Government?

Lord *J. Russell* thought that the hon. Member had entirely misunderstood the effect of the demand made by the House of Assembly, which amounted to a request that the Ministers of the Crown would give up the right of Parliamentary legislation. It was quite impossible that the Crown should give up that power, and, therefore, no answer has been given to the request of the House of Assembly.

Mr. *Hume* protested against such an interpretation of the language used by the House of Assembly. He contended, that there had been no refusal on their part, so far as public documents went, to legislate for the colony, and no man of common sense would say that they had refused. The House of Commons had already interfered with the internal concerns of the island; and this being the case, the Assembly waited to see whether Parliament intended to interfere further, being resolved not to take the useless trouble of legislating, if there was to be any more interference by Parliament with internal legislation. He thought that the House of Assembly had great ground for complaint, considering the manner in which their resolution was drawn up. It was as follows:—

> "Resolved, that in the opinion of this House they will best consult their own honour, the rights of their constituents, and the peace and well-being of the colony, by abstaining from the exercise of any legislative function, excepting such as may be necessary to preserve inviolate the faith of the island with the public creditor, until her most gracious Majesty's pleasure shall be made known whether her subjects of Jamaica, now happily all in a state of freedom, are henceforth to be treated as subjects, with the power of making laws, as hitherto, for their own government, or whether they are to be treated as a conquered colony, and governed by Parliamentary legislation, Orders in Council, or, as in the case of the late amended Abolition Act, by investing the Governor of the island with the arbitrary power of issuing proclamations, having the force of law over the lives and properties of the people."

Now, he contended, that the fair and honest meaning of those words was, that as Parliament had interfered, they wished to ask the Government to tell them plainly and simply, whether they would be allowed to legislate? No answer had been sent to that very reasonable request, and that was the ground on which he had objected to the proceedings taken by the Government.

Mr. *Labouchere* must say, that the spirit of the demands made by the Assembly could not be mistaken. The demand made by the House of Assembly was this,—that the Ministers of the Crown would, on the part of the Government and on the part of the Parliament of England, assure the House of Assembly, that they would deal with them in a different manner from heretofore. He begged to remind the House of the resolution to which it came by a large majority, in which, if he was not mistaken, the hon. Member for Kilkenny himself voted. After the Abolition Act Amendment Bill was passed, the House came to a solemn resolution, which he would read to the House, and he would observe, that the House then deliberately determined that they would continue to watch over the negro, and, if necessity arose, that they would interfere for his protection. The resolution was agreed to on the 29th of May, 1838, and was to this effect:—

> "That this House, at the same time, declares its opinion, that no means should be omitted which can tend to secure to the negro population of her Majesty's colonies the privileges to which they are entitled under the Act for the Abolition of Slavery, and under the Act for the amendment of the Slavery Abolition Act; and further, that the anxious attention of this House will be directed to the state and condition of the negro population, when the expiration of the term of apprenticeship shall have entitled them to the full enjoyment of entire freedom."

Now, he put it to the House, who knew what were the resolutions passed by the House of Assembly, and who knew what complaints had been made by them, to couple them with the demand made by the Assembly, that the Government would deal with them in a different manner to that in which they had acted; and he would ask the House, whether the Government would not have been guilty of an act of the grossest delusion, if they had used any language to Jamaica which would have induced the Assembly to imagine that Parliament was in any way disposed to relax their vigilance on behalf of the negro. He felt that no justification was wanting on the part of the Government for proceeding with this bill, for if there was any fault to be found with the Government, it was for having pushed forbearance to the very limits of weakness, and for being too slow to act. He approved of the Abolition Act, and approving of it, he thought that the Government ought not to have used any language which might countenance any delusion on the part of the Assembly of Jamaica, when they were determined, if the Assembly did not do their duty, that they would do it for them.

Order of the day read.

Mr. *Labouchere,* in moving that the Jamaica Bill be read a third time, would take that opportunity of stating that he had considered the objection made by the right hon. Member for Ripon, relative to the time at which the Governor in Council should legislate if the Assembly had not previously legislated. In proposing this bill he had said, that it was far from his intention to fix a period which would not give the Assembly ample time to legislate, and instead of the 1st day of October next, he would move that the blank be filled up with the words " the 15th day of November."

Bill read a third time.

On the motion that the bill do pass,

Mr. *Goulburn* rose and said, that as this was a subject which, on a former occasion, had been amply discussed, and there was a question which stood for this evening possessing universal interest, he thought that he should best consult his duty by compressing within a very narrow compass, indeed, the observations with which he should preface the motion which he was about to make. The first point to which he should refer was one of form. He had intended to move to omit all the words in the first clause, but if he did that, he should preclude the right hon. Gentleman from making that alteration in the date which he wished to effect. He should, therefore, propose to leave out all the words of the clause up to the date, and if he succeeded in that motion, he should then move to omit the remaining portion of the clause. If he correctly understood what had already taken place in the House, and the assurance which had been given by the Government, he must believe, that the Government *bonâ fide,* wished to give the Assembly the power and the opportunity of continuing to legislate for Jamaica, and that they were sincerely desirous, that the popular branch of the Legislature should not be placed in abeyance. Giving them, therefore, credit for their sincerity, he could not see how they could oppose the motion which he was about to make, if the first clause in the bill must necessarily tend to produce feelings in the Assembly which would make it impossible for any man to sit and legislate as a member of that body. It was not likely that men who had been sent back to their constituents, and had received their sanction and approbation, would now retrace their steps. These were the difficulties of the case; but he thought these difficulties might be surmounted. He had seen letters from members of the House of Assembly stating that the Assembly was not indisposed to conciliatory proceedings. It should be recollected, that the resolutions of the Assembly were carried by a minority of the whole body, by twenty-one out of forty-five members. He thought it fair, therefore, to infer, that the House of Assembly did not entertain, as a body, the strong opinions which some Members of the House had expressed, and that if an opportunity were given to them, they would act in accordance with the wishes of the Government. It was for this reason that he did not wish to retain the objectionable clause. He would not say one word upon the topics which had been touched upon before. He would not say one word about the conduct of the Government, and he would say nothing which could have any tendency to excite angry feeling. He would merely state, that the laws which it was proposed to enact, rendered it extremely difficult to carry into effect the object which the Government professed to have in view. He did not know whether the hon. Gentlemen opposite had read those laws, the passing of which was made a condition of non-interference by the Governor in Council; but in the multitude of papers which were laid upon the table of the House, he was afraid, and the smile of the right hon. Gentleman confirmed his apprehensions, that they had not given to those laws the perusal to which they were entitled. The clause directed, that the House of Assembly should pass in principle the same laws as those which were mentioned in the Orders in Council; and it was professed, that those laws should be limited to contract, vagrancy, and squatting. He would show, that it was impossible for the House of Assembly, if their object was only the public good, to assent to that proposition. He would take the contract laws as an example. The contract laws which were proposed to the House of Assembly went to repeal all existing contract laws, and whether they were to be retrospective or not was not quite clear. In the next place, it was provided, that no contract between master and servant should be made beyond the limits of the colony, and that all such contracts should endure for one year only. Now, what was the effect of that provision? It was his lot, as it was the lot of almost every West India proprietor, to engage persons in this country under contracts for the term of three, four, five, or even seven years, to be employed on their estates in Jamaica as coopers, carpenters, and ploughmen. It was one great object of the planters, and of the Assembly also, to introduce agricultural improvements into the colony, and the attainment of that object could not fail to diminish the labour of the negroes. It was, therefore, no less desirable to the planters than to the negroes and to the friends of humanity, that every facility should be afforded for the purpose of introducing an improved system of cultivation; but if the contract laws which were proposed were adopted by the Assembly, that improvement would be greatly retarded. Was it likely that any person would consent to leave this country and to go out to Jamaica without a certainty of employment for some years? Would any persons be so rash as to enter into an engagement in this country with the knowledge that the engagement into which they might enter was invalid, and with the certainty that when they arrived in the colony with a contract for seven years, that that contract was of no force? Was it possible that the House of Assembly, if they wished to promote the agricultural prosperity of Jamaica, could assent to a proposition which would entirely preclude the sending out of servants from this country—servants who were most valuable to their masters, and who were of little less value to the negroes themselves, because they communicated to them a knowledge of the most improved modes of cultivating the land? Then, again, look at the inequality of the law. The law between master and servant was, that if the servant injured the property of his master, a pecuniary fine was imposed. That was fair, and so far he agreed with the provisions of the law; but then there was no power of levying the fine upon the servant by direct means. If the servant set fire to his master's property, the fine to be imposed for that offence could not be levied by distress; but if the master neglected to furnish the servant with any thing specified in the contract, the servant could recover damages by distress. The master was obliged to have recourse to an action of debt to recover from the servant, whereas the servant might recover from the master immediately by distress. Then, again, the servant for an offence against the master might be imprisoned for the term of fourteen days, but if the master injured the servant by violating any of the articles of the contract, the master might be imprisoned for a month. There was one more objection. The act to which he had been alluding, affected the whole judicial system of the colony, and could not fail seriously to injure the interests of justice. What were the provisions of this law? It provided for the holding of petty sessions, and how were those sessions to be held? It was provided, that there should in every court of petty sessions be not less than two stipendiary magistrates, and they were to have the option of not admitting more than one of the local magistrates. Now he would ask, whether any thing could be more unjust than such a provision, whether any thing could have been devised more likely to destroy that confidence which it was of so much importance should exist between the negroes and the proprietors of the colony? Besides, the appointment of magistrates was vested in the Crown, and what necessity was there, therefore, for asking the House of Assembly to legislate at all upon the subject? Could it be called a conciliatory proceeding to go to the House of Assembly, the members of which were themselves magistrates, and ask them to pass a measure which would reduce them to a position similar to that of the wild animal in the story when placed between two tame elephants? By such a step they would degrade justice, and create a feeling of hostility in the minds of the local magistracy, which could not fail to prove injurious to the best interests of the colony. Even the admission of such a man as Lord Seaford into a court of petty sessions was to be made dependent upon the will of two stipendiary magistrates, and he would ask any Member of that House what his feelings would be if he was told he should only sit in a court of petty sessions by permission of two paid London magistrates? He should not trouble the House further, as he thought he had said enough to show the impolicy of the first clause of this bill, and he should, therefore, move that the words of the clause which he had specified be left out.

Mr. *Hume*, who spoke amidst interruption, was understood to say, that he objected to this bill on principle, although he admitted that, when compared with the last bill, it was much less offensive. This measure was less unconstitutional than the last, for it did not suspend the constitution of the colony, or impose any tax, but still it authorised an interference with the powers of the Assembly which he felt himself obliged to protest against. Where was the necessity for this measure? He denied that a case of necessity had been made out, and there was not one document upon the table of the House by which it could be shown that this measure was required in order to secure the peace or prosperity of the colony. It was, therefore, upon principle that he objected to this bill. Did they interpose to protect the negroes, or to secure the tranquillity of the colony? No such thing. The country was in a state of the most profound tranquillity, and all the interests of the colony were prosperous. He held in his hand a letter from Mr. J. M. Phillipps to Mr. Sturge, who had taken so much interest in the condition of the negroes, in which that gentleman said:—

"I am exceedingly concerned to find, that the planters have succeeded in creating the panic to which you allude. They have made a desperate effort to do this, and they have succeeded. It is currently reported here, that the London journalists, who have lately manifested so much sympathy with our late slave-masters, have been bought for that purpose, and they have certainly shown themselves, especially the professedly anti-aristrocatical part of them, by no means insensible to bribes. Should the Government at all listen to the misrepresentations of the pro-slavery party, it will be a most lamentable circumstance, as it would but revive the differences of which they complain, and which are now almost universally set at rest. The most profound tranquillity universally prevails. Our courts of justice seldom now behold a criminal, and the absence of ordinary offences from the calendar is often the subject of gratulation by the judge. The business of the estates and pens is almost, in every instance, being proceeded with; innumerable spots are being recovered by small setlers from the wastes; new villages are rapidly rising up in every direction; land is nearly double the value it was a few months ago; estates and small farms are seldom in the market, and when they are, although greatly augmented in value, there is no want of purchasers."

That was the state of the colony on the 5th of May in the present year. Mr. Phillips went on to say:—

"The advantages resulting from the new state of things in the towns are too palpable to admit of a single question. New houses are being erected, or old ones are undergoing repairs in almost every street. The markets are abundantly supplied with provisions—the comforts and wants of civilised life are increasingly desired and possessed; merchants and traders have more employment than formerly, and intimations of the decrease of commerce, of the decline of agriculture, and of the ruin of the country, are no where to be seen. So far are we from being likely to realise the dismal scenes predicted by the enemies of freedom, that the very reverse may be confidently expected. Not only is this fact proclaimed by the avidity with which properties are purchased when exposed for sale by the increased price of land, together with the host of other evidence, but also by the efforts that are being made for the improvement of agriculture; by the designs in contemplation, both for the manufacture and transport of produce in the more general introduction of machinery; and in the construction of railroads—by the various public institutions, which are beginning to rise into being, and by the conversions that are daily taking place, to the advantages of the new state of things among proprietors, and attornies themselves. The strongest evidence is offered by every thing we see and hear around us, that we enjoy the dawn of a brighter day in every respect than Jamaica has ever yet beheld."

Now, if all this was true, where, he would ask, was the necessity for interference with local legislation? There was another letter, dated the 2nd of May, from Mr. Clerk, who he knew was a person on whose authority they might depend. That Gentleman said—

"The people are going on admirably. On almost every sugar estate in this part of the parish, there is as much sugar making, I believe, as during the apprenticeship. I can mention Orange-Valley (nearly all the people on which are connected with my church), Cape-Valley, Borough-Bridge, and Greenock, where the people are employed by the job, or at 1*s.* 8*d.* per day, with houses and grounds; they are working well. At Dumbarton, Antrim, Culloden, Ballantry, although the people were not paid more than at other places, they are charged from 3*s.* 4*d.* to 6*s.* 8*d.* per week rent, yet there is no real cause of complaint. They are also working well, although for less than their neighbours; but this I do not expect to continue. These estates must either pay the market price for labour, or lose their people, if land can be bought in the neighbourhood. There is one interesting fact which I cannot forbear mentioning—that from the time of Rawlinson's (the late special justice) removal, to the end of the apprenticeship, but two persons connected as members or esquires with my station were punished, and those improperly or unjustly. From the 1st of August to this date, not one has been imprisoned for any crime, although nearly 30,000 in number; indeed, in the whole district with which, as a minister, I have to do, in which there is a negro population of 9,000 or 10,000, full half of which attend my ministry, but one black person has been committed to prison, and that for an assault, which I think was compromised. We have no police, and we need none. Were it not for the disputes respecting wages and rents, the stipendiary magistrates would have a sinecure situation. I was very sanguine respecting the working of freedom. My expectations are more than realized. Give God the glory."

Now, when such was the state of the colony, where, he would ask, would be found the necessity for this interference by the Imperial Parliament? Let the noble Lord look at the report of Captain Pringle, and he would find that the grossest delusion prevailed with respect to this bill. What was the opinion of Lord Brougham upon this measure—of him who had done so much for the emancipation of the negroes. This bill was said to be for the protection of the negroes but Lord Brougham had said, that there never was a grosser delusion than that which prevailed with respect to this bill—that was with respect to the old bill. There was no necessity for such a measure, and this interference with the Legislature of the Colony, could only be productive of injury. Captain Pringle had shown, that in the course of a few years, the negroes would be the electors, and that they would have the power of returning the Members of the House of Assembly. But this bill would prevent the negroes from obtaining that which alone could distinguish them from slaves. Emancipation had given them all the privileges which had formerly been enjoyed by the whites, and when the act of emancipation was complete, the number of persons exercising the elective franchise would be doubled. It was, therefore, because the first clause of this bill interfered, without even a show of necessity, with the legislative rights of the people of the Colony, that he should give it every opposition in his power.

Lord *J. Russell* said, the hon. Gentleman who had just sat down had divided his argument into two parts; one was that in which he argued against the bill which had been formerly before the House, and the other part was directed against the third reading of the bill, which was carried about twenty minutes ago. To the question now before the House, the hon. Gentleman had not addressed one single argument; for the question before the House was, the adoption or rejection of this clause. He could understand very well the line of argument taken by those who objected to their legislating for the House of Assembly of Jamaica, and who were for allowing the Legislature of Jamaica to take their own course. But when that question was put, there was but one Gentleman who said " no," and even that hon. Member, though the House was so full, repented of his opposition, and allowed the bill to be read a third time. Therefore there was no question in the House as to an interference with the Legislature of Jamaica. The right hon. Gentleman (Mr. Goulburn) had alluded to the probability of many Members of that House not having read the Orders of Council, to which it might be replied, as a set off, that there were many Members who did not hear the arguments of the learned counsel at the bar, who had appeared there as the agent of the House of Assembly of Jamaica. It might be a matter of surprise to some, that the speech of that learned counsel should have made so little impression. Though it was a very able speech, and went much into the case, it was entirely founded, not on this clause of the bill, but upon the second clause. The learned counsel, as representative of the House of Assembly of Jamaica, did not argue, that the Orders in Council were oppressive and inapplicable; he did not attempt to show, that their provisions were not adapted to the state of Jamaica; he did not in the least impugn the statement made, that they had been six months in operation in other colonies, and that no practical fault had been found with them; but he confined his whole argument to the second clause, and, taking part with the constitutional rights of Jamaica, he thought the learned counsel had argued very properly, with respect to the second class, and not the first, because it was the second, and not the first, which enabled the Governor and Council to continue certain taxes which would otherwise expire, and he argued according to the act of 1778, and according to constitutional notions that the power given to the governor of enforcing taxes, and thus far to interfere with the constitution of Jamaica, was an experiment on that constitution which ought not to be tried, and a power which that House ought not to grant. He would not repeat, nor even attempt to give a sketch of, his argument, but it went very fairly against the House giving that power to the Governor and Council. The House was not convinced by it, and he owned he was a little surprised when the right hon. and learned Member for Ripon, who he thought had listened with great attention to the speech of the learned counsel, got up at the end of the speech, and said, that when the House in the following week should come to the consideration of the subject, he would move the rejection of the first clause from the bill. So little was he convinced by the arguments of the learned representative of Jamaica, that he let go by entirely the clause to which he objected, and directed his opposition to the clause which the learned counsel would have allowed to remain. That was the clause to which objection was now made; but, if they left that clause out of the bill, they would prevent certain laws from being made for the protection of the negroes, for the prevention of vagrancy, and for guarding against the unlawful occupation of lands, while at the same time they would not maintain the rights of the House of Assembly. The hon. Member for Kilkenny, would in effect consent to an interference with the constitutional rights of the House of Assembly, over which this clause, which it was proposed to omit, would have no effect whatever. He could only say, that the orders in council had been in operation a considerable time, and there had been scarcely any objection urged against them. If any objections were to be made, he thought they would be more rationally made against the second clause of the bill; at all events the constitutional question entirely depended on that clause.

Sir *Robert Peel* would willingly give way to the impatience of the House if he thought that by so yielding he should at all assist the House in doing that which was creditable to itself; but as this was a question which affected one of our most important colonies, he felt bound to intrude on their patience, not for any gratification of his own feelings, but because he felt that the House of Commons would place itself, if they adopted this bill, in a discreditable position. The noble Lord had found it convenient to compliment the speech of the learned counsel, who appeared at the bar on behalf of the House of Assembly, and he had always observed the readiness of the noble Lord to compliment every speech which did him the least damage. The noble Lord said the speech of the learned counsel was a most constitutional speech, because it was directed against the second clause of the bill, and not against the first, and what did the speech of the agent of Jamaica prove? "It proves (said the right hon. Baronet) that we are not partisans of the island of Jamaica. It proves that we are not acting in concert with the agent of the House of Assembly. We take that course which is the just course. We will provide against those emergencies which the right hon. Gentleman told us might occur if the House of Assembly refused to exercise its functions, and against the anarchy which he depicted. We yield to his opinion, and say we are willing to provide against those contingencies and to supply the defects in the legislature. But you go further, and provide for the permanent legislation of Jamaica, while at the same time you declare your intention and wish that the House of Assembly should resume its functions. How do you hope that the House of Assembly will resume its functions and be an useful instrument of legislation if you pass this bill? You say to the House of Assembly —"Unless you pass three separate and most important laws relating to the domestic legislation of the colony; in that case you shall be suspended, and the Governor and Council shall execute your functions." You give, then, six weeks to pass these laws, and I ask you, do you feel it to be decorous? Have you made such progress in legislation? When you look at your own course with respect to church-rates, with respect to Irish tithes, with respect to joint-stock banks, and with respect to legislation for Canada, and remember that you have postponed every practical measure till 1842, do you think it decorous to tell the colonial legislature of Jamaica, that unless in six weeks they pass three most important measures, you give them notice that you will suspend their constitutional functions? What I deprecate is this, that you are going to give that House of Assembly a great advantage over you: it is in the wrong now, and you are going to reverse the position, and place yourselves in that situation. He never felt (the right hon. Baronet continued), more strongly on any question. If the House of Assembly neglected its duty to this country—if it neglected the welfare of the inhabitants and of the negro population—if he was convinced of the intentional and continued neglect, he would give the Government his support in arrogating to the British Imperial Parliament the power and right to legislate for the welfare of the people of Jamaica. But he felt that they were embarrassing the question by the course which they were now adopting. They were not reserving to Parliament the power of deciding when the emergency should arise; but they were referring to the Governor and Council the right to determine what should be done. A threat was held out to the Assembly, that if they did not perform certain things by a given day in October, that power was to be exercised by a new governor, whom they were going to send out; a man without experience in the affairs of Jamaica was to have the power of deciding the fate of the Assembly. By making it possible to hold over them a coercive threat they made it impossible for them to execute their functions effectively. If they wished the legislature of Jamaica to be continued, surely they also desired that it should be useful. Suppose it yielded to their menace, what authority would it have in the island? Would it not be said, both by whites and blacks—"True, you have saved yourselves from sudden extinction; but why? For the welfare of the negro population, or for the good of the people at large? No; but you did it under a coercive menace, and you have saved the rights of the people by yielding to fear. After that, how could they hope that the House of Assembly could be useful to their constituents? They were, in fact, placing the island in a worse condition than before. The Legislature would be preserved, it was true, but it would be discredited, in consequence of yielding to a menace. What were the proposed conditions? They were not clearly intelligible to all; they were conditions *sub modo;* there were certain laws which the House of Assembly were to pass within six weeks or two months, but they were not to pass them absolutely; a discretion was to be reserved to the House of Assembly to determine this important fact, whether or no the circumstances of the island of Jamaica would render the application of the Orders in Council expedient. What a wide distinction was here? Suppose they entertained a doubt, a *bona fide* doubt, and suppose the Governor and Council differed from them upon a matter of detail, in respect to which the House of Assembly entertained a *bona fide* doubt—for, let it be observed, they were at liberty to consider whether the Orders in Council were suitable to the local circumstances of the island or not. Suppose a difference of opinion arose, it would then be a grave question for the Imperial Parliament to determine whether the decision of the House of Assembly was justified by the circumstances. But, by this bill, it would be left to the Governor and Council to determine this grave point; they would have the power not only to pass the ordinance, but they would place the Government in this embarrasing position—the House of Assembly having a *bona fide* doubt as to the practicable and expedient application of any of the Orders in Council to the local circumstances of the island, the Governor and Council may decide that the Assembly shall be extinguished. Would they support the Governor and Council in that decision? Now, he would ask, was it fit that great doubts which might arise should be resolved by the Imperial Parliament in February next, or by the local authority appointed by the Crown on the 15th of October? No, not on the 15th of October, for they were to have fourteen days more to pass these laws? That was the option given them, with an express injunction to consider the adaptation of these laws to the local circumstances of the island. If they were found refractory, if they refused to meet, if they refused to resume their functions at all, and if clear evidence were furnished that they would not perform their duties, that would be an occasion grave enough for calling the Imperial Parliament together to determine what course should be pursued. By the course now pursued they were not legislating wisely for Jamaica. This piece of paper (holding up the Jamaica Bill), continued the right hon. Baronet, is a plaster for the wounded honour of the Government, and it covers the wound very ineffectually. You have our assurance; we have convinced you that we are not acting in concert with the agent of Jamaica, that we are not acting in the spirit of partisanship, certainly not in a spirit of Jamaica partisanship, that must be apparent to the noble Lord himself. We have assured you of our readiness to consider this grave question, whether, if circumstances of difficulty arise, it will be fitting to determine to suspend the functions of the House of Assembly of Jamaica. But, from the most positive conviction of the truth and force of what I am saying, I entreat you not to give this advantage to the local Legislature. I entreat that you will not, after the instances and examples you have yourselves given of the difficulty of deciding great questions in six years, impose on another Legislature, which have not had their attention drawn to these things, the necessity of passing, in six weeks, important measures, by holding out to them this condition, that unless they obey, their functions shall cease.

Mr. *Labouchere* could not, consistently with his sense of duty, suffer this question to be put from the chair without saying a few words upon it. He believed that, after all, it was a very simple question. They were agreed that it was desirable that the House of Assembly should again be called together, and have an ample opportunity of retracing the steps they had taken, and of proceeding to discharge their duty towards the colony of Jamaica. But, then, they were also agreed, that the House of Commons should maintain the ground it had always asserted, especially, as in the last Assembly of Parliament, it had been resolved, that measures should be taken, in case the House of Assembly should persist in the course it had commenced, that the interests of the colony of Jamaica should suffer as little as possible from their conduct. The House had, therefore, almost unanimously agreed on that which was the most unconstitutional part of the bill, and which provided for those annual laws in Jamaica, among which were those called money bills. He agreed with his noble Friend, and with the agent of Jamaica, who had addressed the House from the Bar, that that was by far the strongest part of the bill before the the House. He must say, in reference to the slighting manner in which the right hon. Gentleman opposite had spoken of Mr. Burge, who had represented the interests of the House of Assembly, that he was much more inclined to bow to the opinion of their representative, than he was to the opinion of the right hon. Gentleman. The hon. Member for Kilkenny had declared, that Jamaica was in a state of tranquillity; and he was happy to be able to add to his testimony, that from all the accounts received by the Government, that tranquillity still continued. He was glad to have that opportunity of stating his conscientious belief, that the peaceable and orderly state of the island, which was almost unexampled, was a phenomenon, to be attributed to the services of a body of men who had unfortunately been very much calumniated—the ministers of religion in Jamaica, who had obtained a great influence over the minds of the people there, and had exercised it in a very proper and salutary manner. But were they to rely upon that extraordinary kind of means for maintaining the peace of the island? Was it not necessary that measures should be taken to secure the three objects proposed in the bill before the House? They had a distinct admission of the House of Assembly that the laws for the regulation of contracts for hired service in agriculture or manufactures, the prevention of vagrancy, and the prevention of the illegal occupation of lands, were urgent and necessary. By the present bill the Assembly would be enabled to pass those laws themselves, if they chose to embrace the opportunity. There was nothing unusual in the course which had been pursued by the House. They had reason to believe, that the orders in Council sent out contained the principles of good laws, and he must say, that he should regret the rejection of this clause. Looking at the conduct of Parliament last session, and remembering the resolution which was come to, to continue their vigilant watch over the Assembly, he should consider that the House had abandoned their position if they did not pass this bill.

The House divided on the original motion; Ayes, 267; Noes, 257: Majority in favour of the bill, 10.

List of the AYES.

Abercromby, G.
Adam, Admiral
Aglionby, H. A.
Aglionby, Major
Ainsworth, P.
Alcock, T.
Alston, R.
Andover, Lord
Anson, hon. Col.
Anson, Sir G.
Archbold, R.
Attwood, T.
Baines, E.
Bannerman, A.
Baring, F. T.
Barnard, E. G.
Barron, H. W.
Barry, G. S.
Beamish, F. B.
Bellew, R. M.
Bennett, J.
Berkeley, hon. H.
Berkeley, hon. G.
Berkeley, hon. C.
Bernal, R.
Bewes, T.

Blackett, C.
Blake, M. J.
Blake, W. J.
Blewitt, R. J.
Blunt, Sir C.
Bodkin, J. J.
Bowes, J.
Bridgman, H.
Briscoe, J. I.
Brodie, W. B.
Brotherton, J.
Bryan, G.
Buller, C.
Buller, E.
Bulwer, Sir L.
Butler, hon. Col.
Byng, G.
Byng, rt. hon. G. S.
Callaghan, D.
Campbell, Sir J.
Cave, R. O.
Cavendish, hon. C.
Cavendish, hon. G.
Cayley, E. S.
Chalmers, P.
Chapman, Sir M.
Chester, H.
Chetwynd, Major
Childers, J. W.
Clay, W.
Clayton, Sir W.
Clements, Lord
Codrington, Admiral
Collier, J.
Collins, W.
Conyngham, Lord
Cowper, hon. W. F.
Craig, W. G.
Crawford, W.
Crompton, Sir S.
Currie, R.
Curry, Sergeant
Dalmeny, Lord
Davies, Colonel
Dennistoun, J.
D'Eyncourt, C. T.
Divett, E.
Donkin, Sir R. S.
Duff, J.
Duncombe, T.
Dundas, C. W. D.
Dundas, F.
Dundas, hon. J. C.
Elliott, hon. J. E.
Ellice, Captain A.
Ellice, right hon. E.
Ellice, E.
Ellice, W.
Erle, W.
Euston, Earl of
Evans, Sir De L.
Evans, G.
Evans, W.
Ewart, W.
Fazakerly, J. N.
Ferguson, Sir R.
Ferguson, Sir R. A.
Ferguson, R.
Finch, F.
Fitzpatrick, J. W.
Fitzroy, Lord C.
Fleetwood, Sir P.
French, F.
Gibson, T. M.
Gillon, W. D.
Gordon, R.
Grattan, J.
Grattan, H.
Greenaway, C.
Grey, Sir G.
Grosvenor, Lord
Guest, Sir J.
Hall, Sir B.
Hallyburton, Lord
Handley, H.
Harland, W. C.
Harvey, D. W.
Hastie, A.
Hawkins, J. H.
Heathcoat, J.
Heathcote, G. J.
Hector, C. J.
Heneage, E.
Heron, Sir R.
Hindley, C.
Hobhouse, Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hollond, R.
Horsman, E.
Hoskins, K.
Howard, F. J.
Howard, P. H.
Howick, Lord
Humphery, J.
Hutton, R.
Ingham, R.
James, W.
Jervis, J.
Kinnaird, A. F.
Labouchere, H.
Lambton, H.
Langdale, C.
Lemon, Sir C.
Leveson, Lord
Loch, J.
Lushington, S.
Macaulay, T. B.
Macleod, R.
Macnamara, W.
M'Taggart, J.
Marshall, W.
Maule, hon. F.
Melgund, Lord
Milton, Lord
Moreton, A. H.
Morpeth, Lord
Morris, D.
Murray, A.
Muskett, G. A.
Nagle, Sir R.
Norreys, Sir D. J.
O'Brien, W. S.
O'Callaghan, C.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, Morgan
O'Connell, Maurice
O'Connor, Don
O'Ferrall, R. M.
Ord, W.
Paget, F.
Palmer, C. F.
Palmerston, Lord
Parker, J.
Parnell, Sir H.
Parrott, J.
Pattison, J.
Pechell, Captain
Pendarves, E. W.
Phillipps, Sir R.
Philips, M.
Philips, G. R,
Phillpotts, J.
Pigot, D. R.
Pinney, W.
Ponsonby, hon. J.
Power, J.
Price, Sir R.
Pryme, G.
Pryse, P.
Ramsbottom, J.
Redington, T. N.
Rice, E. R.
Rice, right hon. T. S.
Rich, H.
Roche, W.
Roche, Sir D.
Rumbold, C. E.
Russell, Lord J.
Russell, Lord
Russell, Lord C.
Rutherford, A.
Salwey, Colonel
Sanford, E. A.
Scholefield, J.
Scrope, G. P.
Seale, Sir J. H.
Seymour, Lord
Sharp, Gen.
Sheil, R. L.
Shelborne, Lord
Smith, J. A.
Smith, B.
Smith, G. R.
Smith, R. V.
Somers, J. P.
Somerville, Sir W. M.
Speirs, A.
Spencer, hon. F.
Standish, C.
Stanley, hon. M.
Stanley, W. O.
Stansfield, W. R.
Staunton, Sir G.
Stuart, Lord J.
Stuart, W. V.
Stock, Dr.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Surrey, Earl
Talbot, C. R. M.
Talfourd, Sergeant
Tancred, H. W.
Thomson, C. P.
Thornely, T.
Tollemache, F. J.
Townley, R. G.
Troubridge, Sir E. T.
Turner, W.
Verney, Sir H.
Vigors, N. A.
Villiers, hon. C.
Vivian, Major C.
Vivian, J. H.
Vivian, Sir R. H.
Walker, R.
Wall, C. B.
Wallace, R.
Warburton, H.
Ward, H. G.
Westenra, hon. H.
White, A.
White, H.
White, S.
Wilbraham, G.
Williams, W.
Williams, W. A.
Wilmot, Sir J. E.
Wilshere, W.
Winnington, T.
Winnington, H.
Wood, C.
Wood, Sir M.
Wood, G. W.
Worsley, Lord
Wrightson, W.
Wyse, T.
Yates, J. A.

TELLERS.

Stanley, E. J.
Steuart, R.

List of the NOES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Captain
Adare, Lord
Alford, Lord
Alsager, Captain
Arbuthnott, H.
Archdall, M.
Ashley, Lord
Ashley, hon. H.
Attwood, M.
Bagge, W.
Bailey, J.
Bailey, J. jun.
Baillie, Colonel
Baker, E.
Baring, hon. F.
Baring, hon. W. B.
Barnaby, J.
Barrington, Lord

Bateson, Sir R.
Bell, M.
Bentinck, Lord G.
Bethell, R.
Blackstone, W. S.
Blair, J.
Blakemore, R.
Blandford, Marquess
Blennerhassett, A.
Boldero, H. G.
Bolling, W.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Brownrigg, S.
Bruce, Lord E.
Bruges, W. H. L.
Buck, L. W.
Buller, Sir J. Y.
Burdett, Sir F.
Burrell, Sir C.
Burroughes, H.
Calcraft, J. H.
Canning, Sir S.
Cantilupe, Lord
Cartwright, W.
Chapman, A.
Christopher, R.
Chute, W. L. W.
Clerk, Sir G.
Clive, hon. R. H.
Codrington, W.
Cole, hon. A. H.
Cole, Lord
Colquhoun, J. C.
Compton, H. C.
Conolly, E.
Cooper, E. J.
Coote, Sir C. H.
Corry, hon. H.
Courtenay, P.
Cresswell, C.
Dalrymple, Sir A.
Damer, hon. D.
Darby, G.
Darlington, Earl
De Horsey, S. H.
Dick, Q.
D'Israeli, B.
Douglas, Sir C. E.
Dowdeswell, W.
Duffield, T.
Dugdale, W. S.
Dunbar, G.
Duncombe, W.
Duncombe, A.
Dungannon, Lord
Du Pre, G.
East, J. B.
Eaton, R. J.
Egerton, W. T.
Egerton, Sir P.
Egerton, Lord F.
Ellis, J.
Estcourt, T.
Farnham, E. B.
Farrand, R.
Feilden, W.
Fector, J. N.
Fellowes, E.
Filmer, Sir E.
Fitzroy, hon. H.
Fleming, J.
Foley, E. T.
Forester, hon. G.
Fox, G. L.
Freshfield, J. W.
Gladstone, W. E.
Goddard, A.
Godson, R.
Gordon, Captain
Gore, O. J. R.
Gore, O. W.
Goulburn, H.
Graham, Sir J.
Grant, F. W.
Grimsditch, T.
Grimston, Lord
Grimston, hon. E.
Hale, R. B.
Halford, H.
Harcourt, G. G.
Harcourt, G. S.
Hardinge, Sir H.
Hawkes, T.
Hayes, Sir E.
Heathcote, Sir W.
Heneage, G. W.
Henniker, Lord
Hepburn, Sir T.
Herbert, hon. S.
Herries, J. C.
Hill, Sir R.
Hillsborough, Lord
Hinde, J. H.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Holmes, W. A'C.
Holmes, W.
Hope, hon. C.
Hope, H. T.
Hope, G. W.
Hotham, Lord
Houldsworth, T.
Houstoun, G.
Hughes, W. B.
Hume, J.
Hurt, F.
Ingestrie, Lord
Inglis, Sir R. H.
Irton, S.
Jackson, Sergeant
James, Sir W. C.
Jenkins, Sir R.
Jermyn, Earl
Johnstone, H.
Jones, Captain
Kelly, F.
Kelburne, Lord
Knatchbull, Sir E.
Knightly, Sir C.
Knox, hon. T.
Law, hon. C. E.
Lefroy, right hon. T.
Lincoln, Earl of
Litton, E.
Lockhart, A. M.
Long, W.
Lowther, Colonel
Lowther, Lord
Lowther, J. H.
Lygon, hon. Gen.
Mackenzie, T.
Mackenzie, W.
Mackinnon, W.
Maclean, D.
Mahon, Lord
Maidstone, Lord
Manners, Lord C.
Marsland, T.
Marton, G.
Master, T. W. C.
Mathew, G. B.
Maunsell, T. P.
Miles, W.
Miles, P. W. S.
Miller, W. H.
Monypenny, T.
Mordaunt, Sir J.
Morgan, C. M. R.
Neeld, J.
Neeld, John
Nicholl, J.
Norreys, Lord
Owen, Sir J.
Packe, C. W.
Pakington, J. S.
Palmer, R.
Parker, M.
Parker, R. T.
Parker, T. A. W.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, J.
Pemberton, T.
Perceval, hon. G. J.
Pigot, R.
Planta, right hon. J.
Plumptre, J. P.
Polhill, F.
Pollen, Sir J. W.
Powerscourt, Lord
Praed, W. T.
Pringle, A.
Pusey, P.
Rae, right hon. Sir W.
Richards, R.
Rickford, W.
Rolleston, L.
Round, C. G.
Round, J.
Rushbrooke, Col.
Rushout, G.
Sandon, Lord
Scarlett, hon. J. Y.
Shaw, right hon. F.
Sheppard, T.
Shirley, E. J.
Sibthorp, Col.
Sinclair, Sir G.
Smith, A.
Smyth, Sir G. H.
Somerset, Lord
Spry, Sir S. T.
Stanley, E.
Stanley, Lord
Stewart, J.
Stormont, Lord
Sturt, H. C.
Sugden, Sir E.
Teignmouth, Lord
Tennent, J. E.
Thomas, Colonel H.
Thompson, Alderman
Thornhill, G.
Trench, Sir F.
Tyrrell, Sir J. T.
Vere, Sir C. B.
Verner, Colonel
Vernon, G. H.
Villiers, Lord
Vivian, J. E.
Waddington, H.
Walsh, Sir. J.
Welby, G. E.
Witmore, T. C.
Williams, R.
Williams, T. P.
Wodehouse, E.
Wood, T.
Wyndham, W.
Wynn, C. W.
Wynn, Sir W. W.
Yorke, hon. E. T.
Young, J.
Young, Sir W.

TELLERS.

Freemantle, Sir T.
Baring, E.

Paired off.

Brabazon, Lord	Wilbraham, R. B.
Campbell, W.	Campbell, Sir H.
Colquhoun, Sir J.	Trevor, Rice
Crawley, S.	Broadwood H.
Dashwood	Liddell, H.
Denison, W.	Reid, Sir J. R.
Duncan, Lord	Douro, Lord
Dundas, Sir R.	Knight, Gally
Etwall, R.	Cripps, J.
Edwards, Sir J.	Meynell, Captain
Easthope, J.	Price, R.
Fitzalan, Lord	Praed, W. M.

Fitzsimon, N.
Fort, J.
Hill, Lord M.
Hawes, B.
Hurst
Hutt
Lister, E. C.
Lushington, C.
Lynch, A.
Maher, J.
Martin, J.
Mildmay, P.
O'Brien, C.
Paget, Lord A.
Power, J.
Pendarves, E. W.
Slaney, R. A.
Strangways, J.
Talbot, J. H.
Walker, C. A.
Westenra, J.
White, Luke
O'Neill, General
Davenport
Perceval, Colonel
Saunderson
Estcourt
Gaskell, J. M.
Rushbrooke
Kemble, H.
Follett, Sir W.
Granby, Lord
Burr, D.
Green
Kerrison, Sir E.
Bagot, W.
Kirk, P.
Praed
Jones, J.
Castlereagh, Lord
Maxwell, S.
Crewe, Sir G.
Rose, Sir G.
Jones, Wilson

EDUCATION—ADJOURNED DEBATE.] Mr. *Wyse*, in resuming the debate which had now occupied so large a portion of the time of the House, begged leave first to thank the two noble Lords opposite who had taken so large a share in the debate, for it would be difficult to select from the speeches made avowedly in support of the measure, any two that were more calculated to advance it than the two speeches made by those noble Lords in opposition to it. He was willing to give every credit to the noble Lord who preceded the last speaker in the debate, for the exertions he had made on behalf of the factory children; exertions which had secured for him the approbation and the warmest sympathies of all men. He was also ready to give the noble Lord credit for the utmost benevolence; but he must be allowed to say, that the honesty of opinion to which he laid claim seemed to him to be of the kind which arose from a careful exclusion of all arguments on the other side—to spring from conclusions come to by a careful avoidance of all examination (at least in appearance) of what might have been urged against his own peculiar views. Through the whole of his hydra and chimera speech, the noble Lord seemed to have raised up to himself a phantasmagoria of evils, which had no foundation whatever in reality. If the noble Lord had examined the subject, he would have seen that the horrors and desolations of which he seemed to be so much in fear from equality of education to all sects and parties, had heretofore arisen from the want of general education. Education it was that had always been considered the only agency by which those horrors and desolations might be neutralised and prevented. If the noble Lord had extended his view from his narrow world of this country, and had inquired into the condition of the rest of the civilised world, he would have found that religion, and not sectarianism, had been the source of all happiness to man. The noble Lord apprehended much evil from the monsters which his fancy had conjured up; but he should recollect that there were other moral monsters much more dreadful in their influence on society. There was the monster of brute force, unaccompanied by intelligence—there was the Polyphemus of physical strength, uncontrolled by moral feeling—

> "Monstrum horrendum, informe, ingens,
> cui lumen ademptum."

But he would now direct his attention to another adversary, more dangerous to the cause of education than the noble Lord could assume to be—an adversary whose powers of debate had been so strongly characterised by the noble Lord the Secretary for Ireland. He (Mr. Wyse) could be under no apprehensions from the "gladiatorial talents" of that noble Lord—from the skill in research for which he was distinguished—because he had to bring into the field against him a still stronger combatant than himself. If the noble Lord of 1839 entertained the opinions he had stated in the course of this debate, the right hon. Gentleman the Secretary for Ireland of 1831 was more than a match for him. If the noble Lord now denounced this measure as unconstitutional—as one that would be scouted by all society of a religious nature in the country—what must be thought of the parallel measure introduced for Ireland in 1831? The objections to the present measure were surely quite as applicable to that. The measure was described as pernicious on two grounds; first, the mode in which the Board of Management was constituted; and, secondly, the evil effects which he apprehended from it on the education of the children. In many of those objections which applied to the constitution of the Board, he concurred, particularly as regarded the fluctuations in political and religious opinions to which it was liable from its connection with the Government. But if, as the noble Lord argued, it was wrong for the Lords of the Privy Council to have by this plan the power of applying, in a manner distinctly laid down, the funds to be granted by that House; how much the more objectionable must be the power of the Board in Ireland, according to the noble Lord's own plan of 1831, which not only gave that species of control, but also an entire control over the religious books to be used in the schools. The noble Lord now objected to the power given to the Lords of the Privy Council to erect schools, to confer gratuities on teachers, and to establish and contribute to the support of model schools. But the Board in Ireland had full powers to make such regulations as to matters of detail, which, while not being inconsistent with the instructions given to them, they might in accordance with the intentions of Government. The strongest ground of objection taken by the noble Lord, however, was the effect which this plan would have on the religious education of the people, arising out of the education of persons of different religious persuasions in the same schools. The noble Lord expressed his belief

> "That this was a system of education which would instil into the minds of the younger population a general belief that the Legislature attached equal authority to all versions of the Scripture—that it was a matter of indifference what creed was taught to the people; and by putting before the mind of the young conflicting doctrines as of equal weight and authority, the foundations of all faith were gradually sunk, and thus the strongest ground of opposition to the scheme substantiated; for through gradual doubt it would lead to general scepticism, and from general scepticism the step was short to national infidelity."

Now, if the mere circumstance of persons of different creeds receiving their religious education in separate parts of the same building in which they received their literary education would produce all these lamentable results, what could be said of the Irish measure, the object of which was declared to be, not only to include Christians of all denominations—to unite in one general object children of different creeds, but the active co-operation of the clergy of all denominations was especially hoped for by its promoters. If it was wrong to encourage the Catholic faith in one instance, was it not equally wrong to do so in another? If it was pernicious to bring the Protestants of this country in contact with the Roman Catholics, why did not the same rule apply equally to Ireland? If the adoption of a system of mixed education was right in Ireland, it was equally right and proper in England, and he could not understand why it had been rejected or repudiated by the noble Lord. He believed that the difference in conduct that had been pursued by the noble Lord could only be accounted for by regarding the noble Lord as he is, and the noble Lord as he was. The plan of education which the noble Lord had introduced into Ireland was one step certainly in advance to obtain the end, which he so anxiously desired. What, however, had been the noble Lord's proceeding in introducing this plan? In 1831, he (Mr. Wyse) proposed a plan of education for Ireland, and on his doing so, the noble Lord opposed the proposition; but, during the vacation, he prepared a plan, and with the consent of the Government, he appointed a Board to superintend the system, and in September of that year, he submitted his plan to Parliament. The noble Lord complained of the proposed plan not being sufficiently definite; but that which he then brought forward for Ireland was much looser and more vague in its description than that recently set forth in the minute of the Privy Council. He did not blame the noble Lord for having brought forward or carried his plan into effect; on the contray, he thought, that by doing so, he had conferred one of the greatest boons on that country, that had ever been conceded to it by a Government. He did not mean to say, that in adopting a system of education they must consider the peculiar circumstances of the case and make allowances accordingly, but the observations which the noble Lord had urged against the adoption of the proposed plan appeared to him to apply more to the accessaries of the grant than to the principle of the system, that was proposed to be acted on. With respect to this great question itself, it should be regarded as a national matter whether they were not to have a peculiar system of national education. It had been a common thing to boast, that this was the first country in Europe in point of civilization, but it was a matter of astonishment to see how little had been done for the diffusion of general education. The defective state of education in England had been productive of the greatest evils, and it was felt not only in our moral and social relations, but also in our physical condition. Instead of standing the highest in rank in point of civilisation, this country might be regarded as being almost the lowest in comparison with other European nations in the general diffusion of knowledge amongst the people. The evils were constantly being experienced of want of education in the elements of science, in matters of every day life, and in the pursuits of industry. It was scarcely possible to enter upon any investigation in agriculture without finding it connected, more or less, with the doctrines and elucidations derived from chemistry. For instance, we find it stated in the most able agricultural reports, that by injudicious use of lime many thousand acres in every part of the kingdom have been reduced to a state of almost total infertility. Again, with respect to manure, Mr. Malcolm complains, that he has not in any one instance been able to find any thing like system in the mechanical arrangement of the components of farmyard mixings, which he generally found put together as they were according to circumstances, and without any regard to rule. A great ignorance of the principles of mechanics was also being constantly manifested in harnessing horses, and in other simple processes of a similar character. With respect, also, to the ignorance that prevailed with regard to planting, Mr. Falkner says:—

> "Thousands of acres of woods and plantations were utterly ruined from a want of knowledge of the process of vegetation—gross neglect was the rule, and tolerable attention was the exception."

What, as a body, do we know of the chemical properties of the various soils we cultivate, or even of the different manures most generally used and approved of by farmers to assist production? Positively nothing. They were compelled to admit, that as a science agriculture was even now but in its infancy. Mr. Lowe, chairman of the Sevenoaks Union, says,

> "That the farmers for the most part keep indifferent accounts, and many of them none at all, which was a state of things utterly incompatible with any systematic improvement. He has nothing to look to which will indicate with precision the calculations which he has made. Again, in geology, 'that fashionable road which leads to damnation,' immense errors were constantly being committed. Lavoisier, even without a minute knowledge of farming, by following an enlightened system is said, in good years to have doubled the produce in grain of his lands and to have quintupled his flocks."

Farmers were generally found at present to be jealous of their labourers, but if education was more generally diffused amongst them, confidence would, in a great measure, be restored, and they would be most anxious to promote and encourage education amongst the labourers and their children. They would feel convinced, that the stupid and brutalised hind was not to be depended on from one moment to another; that as soon as the eye of the master is off him, he relaxes in his exertions, and that he only differed from the slave in this, that the slave started into activity upon the apprehension of the whip, while the labourer did so at the impending loss of his wages. The master would feel that he could not be everywhere, and that he constantly sustained losses in consequence, and that it was impracticable to introduce many improvements which he otherwise would adopt. If he were better informed, he would be convinced, that the only means of remedying these evils and inconveniences to which he was daily exposed, was by diffusing knowledge, and improving the condition of his labourers, both socially and mentally. The evils of this want of education were constantly being manifested and experienced in towns, in the ignorance of proper ventilation, and in discoveries that might be made generally applicable for the improvement of the condition of the people not being made available. The deficiency of knowledge that prevailed in the application of the elements of art to manufactures was strikingly obvious, when the productions in several branches of industry were contrasted with those of the schools of Lyons and Berlin. This was particularly obvious in the printing of cottons, and the late Sir Robert Peel attributed many of our great manufacturing losses to the inferiority of our workmens' taste to those of the continent. The inferiority of our population was not less striking as regarded the social condition of the lower classes. This was peculiarly obvious in the places of residence of the lower classes in the district of Manchester and its neighbourhood. He found, from a report laid before the British Association of Science, that the proportion of of the population of Manchester that lived in the cellars was 11¾ per cent.; of Salford, 8 per cent; of Bury, 3¾ per cent.; of Ashton, 1¼ per cent.; of Stayleybridge, 1½ per cent.;

of Dukenfield, 1¾ per cent., and of Liverpool, 15 per cent. Taking the whole of the working population of that large town, 20 per cent. lived in cellars, or in round numbers, 31,000 persons so resided, out of a population of 230,000. The report he had just referred to, stated,

> "That the great proportion of the inhabited cellars were dark, damp, confined, ill-ventilated, and dirty. The numbers residing in each cellar varied from four to seventeen. As in many (perhaps in the majority of cases), there are only two beds to a family of five or six persons, of both sexes, the inconveniences and evils which must arise from this deficiency of accomodation are too obvious to require further remark."

This was a striking illustration of the condition of the working classes in the manufacturing districts, and there was much additional evidence to show a similar state of things in other places. For instance, in the report of the Central Society of Education, it was stated, that out of sixty-six families in Norfolk, in twenty-four instances, the whole of the children occupied the same bed-rooms as their parents, and in thirty-six, boys were not separated from girls. It also appeared, that in Dukenfield, Staleybridge, and Ashton, there were 2,057 families, in which more than three, and less than four persons slept in one bed; 632 families, in which more than four, and less than five persons were similarly situated; 180 families, in which more than five, and less than six, and 330 families, in which more than six persons slept in one bed. The children in most of these families were employed in the coal mines in the vicinity of these places. From the same report, he found that the number of beer shops, public houses, &c., in Bury, was in the proportion of one to every 122 persons, in Ashton one to every 113 persons, in Staleybridge one to every 200, and in Dukenfield one to every 254 persons. In the evidence taken before the commissioners appointed to inquire into the condition of the hand-loom weavers, the following striking facts were stated by one of the witnesses:—

> "I have seen human degradation in some of its worst phases, both in England and abroad, but I can advisedly say, that I did not believe, until I visited the wynds of Glasgow, that so large an amount of filth, crime, misery, and disease congregated in one spot in any civilised country."

Again, the want of education of the working classes was strikingly manifest in the strikes that took place, which generally arose from a gross ignorance of the laws which regulated the rate of wages, and the interests of the labourers. It often happened, that 50 men in a manufactory compelled 1,500 to stop work. The best paid workmen were often the movers and instigators to these strikes, but the inevitable effect was to abate all motive to pre-eminent skill. They were often directed against the employment of machinery, but machinery generally led to an increased demand for the manufactured article, and thus an increased number of workmen were employed, and the amount of wages was increased. By strikes, however, the consumption of goods was diminished, and wages were ultimately reduced. On this subject, the following striking evidence as to the effects of one of these strikes was given before a Committee of the House. It related to a strike in the man ufacoies at Preston, which lasted from October, 1836, to February, 1837:—

> "While the turn-out lasted, the operatives generally wandered about the streets without any definite object. Seventy-five persons were brought before the magistrates and convicted of drunkenness and disorderly conduct; twelve were imprisoned and held to bail for assaults; and about twenty young females became prostitutes, of whom more than one-half are still so, and also two of them have since been transported for theft. Three persons are also believed to have died of starvation; not less than five thousand must have suffered from hunger and cold; and in almost every family the greater part of the wearing apparel and household furniture was pawned. In nine houses out of ten considerable arrears of rent were due, and out of the sum of 1,600*l.* deposited in the savings bank, by about sixty spinners oroverlookers, 900*l.* was withdrawn in the course of three months, and most of those who could get credit got into debt with the shopkeepers. The trade of the town suffered severely—many of the small shopkeepers were nearly ruined, and some completely so."

Again, the evils of the want of education were manifest when the moral and religious condition of the people was regarded. On this point, he would refer to the evidence that had been given as to the classes who were generally the inmates of prisons and houses of correction. It was stated at a late meeting of the British and Foreign School Society at Cheltenham, by Mr. St. Clair a deputy-lieutenant of the county of Gloucester:—

> "That two-thirds of the youth in Gloucester

gaol were the most ignorant of society. There was at present on the treadmill of that place 120 men who had been convicted of small felonies; five out of six were under twenty years of age—nine out of every ten could not read a single word."

It appeared from returns on the Table, that in 1837 not less than 20,000 persons had been tried for offences in England and Wales, and that 15,000 were convicted, while the number of criminal commitments to gaol were 100,000 annually. The report of the commissioners appointed to inquire into the state of the rural constabulary, give many instances of the barbarous habits of the people of this country on the coasts where wrecks occur, and more especially in Cheshire, Wales, Dorsetshire, Hampshire, and Kent, in which counties the deficiency of education was most obvious. It was also stated in the evidence of Messrs. Burt and Elliot, that England in respect of the state of the roads, followed next after Italy and Spain; cunning, however, generally superseded the place of violence. The latter, however, often predominated in the country districts. It was also stated in the same report, that there were 6,000 thieves at large in the metropolis, and within the metropolitan police districts there were 10,666 depredators. In page 79 of this report it is stated, that the—

"Majority of crimes which were attended by violence, are now committed in the rural districts, although the population and property in towns have increased in a far greater proportion."

Again, in page 50 it was said:—

"Dupin graduates the increase of crime in a direct ratio, according to the condensations of populations in towns."

The following return was also given, on the same authority, of the proportion of bad characters to the population:—In the metropolitan police district it was one to eighty-nine, in Liverpool one to forty-five, in Kingston-upon-Hull one to sixty-four, in Bath one to thirty-seven, in the county and city of Bristol one to thirty-one, and in Newcastle one to twenty-seven. It was also stated, that prostitution was as great in London as in Paris. The report of the committee on the central society of education states—

"Your committee are fully persuaded, that to the want of education is to be chiefly attributed the great increase of criminals, and consequently of cost to the country, namely, in twelve years from one to ten; and while the population increased only thirty-two per cent., the committals had increased fourfold."

He felt satisfied, that the religious education, as given in this country, was not sufficient. As an instance of this he would refer to the state of those parishes in which the ignorant imposter Thom had obtained so many followers, namely, Herne Hill, Dunkirk, and Boughton. The inhabitants of those villages were induced to believe, that Thom was Jesus Christ, and to imagine, that disobedience of his mandates would entail on them eternal damnation. It appeared, that he gave them the sacrament, anointed himself and them with oil, and told them that no bullet could touch them. He showed them the marks of the nails, and assured them if they doubted that, he should call them to judgment. He threatened also to rain fire and brimstone on them if they left him, and at the same time blessed the little children that were brought to him. This was in the midst of a beautiful country in which there was no hostility to the Poor-laws, where the peasantry had good wages, and where the poor-rates were comparatively low. The state of education in these districts, he believed, was as follows:—

"At Herne-hill there were fifty-one families, in which there were forty-five above the age of fourteen, and of them eleven could read and write, and twenty-one could do so very imperfectly, and the remainder not at all. There were 117 children under that age, and of these forty-two were at school; most of them made little or no progress, and they were generally taken away at an early period by their parents. Many of the children, who had been two years at school, were frequently found unable to read. The reading of the children in these schools was confined to the New Testament. Many of those who had been educated stated, that they could read the Testament once, but that they could not do so now. It was found, that the Sunday schools were insufficient, as the children could never be brought to connect what they learned in schools with their practice in life, and remained as idle, mischevous, and vicious as before. In Dunkirk there were 113 children; ten of them could read and write, thirteen could do so a little, and the remainder could not do so at all. In Boughton there were 119 children under the age of fourteen, and thirty-two attended school. Only seven attended school where writing was taught; the remainder only went to a Sunday school. These facts prove, that merely religious instruction of the kind obtained by these villagers was not of itself sufficient to fit men to discharge their duties to society."

It was shown by the foregoing statements, that the majority had been at Sunday schools, and were in the habit of attending church, and most of them who could read, read and possessed only religious books, so that not only the instruction they received, but the only kind they had any opportunity of gaining, was wholly of a religious cast. There was a similar general defect of education throughout the country. For instance, in Manchester, in 1834 and 1835 there were 932 schools, and 56,189 scholars, being twenty-two per cent. of the population, and of these were 29,529 who only received Sunday tuition. In Liverpool, in the same years, there were 766 schools, in which there were 33,183 scholars, being fourteen 43-100 per cent. of the population, and of these 3,719 received only Sunday tuition. In Salford there were 211 schools, and 12,838 scholars, being twenty-three 43-100 per cent. of the population, and of these 6,344 received only Sunday-school tuition. In York there were 150 schools and 5,591 scholars, making nineteen 97-100 per cent. of the population, and of these 842 received Sunday-school instruction only. In Bury there were 79 schools and 5,727 scholars, making twenty-eight 63-100 per cent. of the population, and of these 3,102 attended Sunday-schools only. In Newcastle forty-nine out of every 100 of the youthful population between the ages of five and fifteen, did not receive any instruction whatever. At Gateshead 12¾ of the juvenile population attended schools. In seventeen of the chief towns in this country, the average of those who received daily instruction was only one in twelve; while in Manchester the proportion was only one in 35, while, according to the conclusion he had arrived at, it ought to be one in eight. The result was, that there were 3,000,000 of children in England to be supplied with instruction, half of whom were left in a state of complete ignorance. The population of children under fifteen was about 4,000,000, deducting those under two years about 500,000; there were 3,500,000 to attend school, and from this number 500,000 should be deducted as receiving private instruction. Taking the returns in other countries, it appeared, that in the United States in eleven States the education was one out of five; in seven other States one out of six; in three others one out of seven; in two one out of eight, and in two others, one out of ten; while in England and Scotland the proportion was as one in eleven; in Lombardy it was one in twelve; in France one in thirteen. The evils that resulted from this defect in the general education of the people were obvious in the extent to which numerous depredations, petty thefts, and misdemeanours were carried; and these were often carried to such an extent as to put a stop to cultivation and trading in many places. In 1836, 700,000*l.* were lost in Liverpool by depredations. The causes of this state of things did not arise from want. One of the chief causes was the want of steadiness in early occupations, for the want of this was one of the most powerful temptations to a career of crime, instead of a career of industry. The effects of prisons on early delinquents was most striking. Mr. Chesterton, the governor of Cold-bath-fields prison stated, that nearly in almost all cases of juvenile offences there was an ignorance of religion which amounted to almost perfect heathenism. The effects of this ignorance on society were, that there were large masses of the population either actually in the commission of crime, or preparing for it. There was also an envy and desire of enjoyment, which led to enormous abuses in the various relations of society; that the inattention of the upper classes led to the dissociation of the lower classes from them, and they were often induced to adopt Chartism and infidelity. In other countries, the state of things was very different, for robberies were scarcely ever heard of, and Prussia was marked as a country, almost a fine country in this respect, for a traveller to pass through. In a recent volume of Travels in Germany, published by Mr. Chambers entitled, "The Tour of an English Traveller in 1837," it was stated, "I have not seen three individuals drunk in Germany in three months." Again, it was stated in the same work,

> "The Catholic churches, in both the towns and villages, are crowded by worshippers by five o'clock in the morning, not only on Sundays, but on week days, and the priests are in attendance to perform their duties at that hour."

In Switzerland, also, there was a similar abstinence from wine. In that country there was a perfect freedom in trade, and a constant attendance on the offices of religion, and a morality superior, perhaps, to that of any other community; and such a feeling of equality prevailed between the rich and the poor as recognised, on both sides, the common humanity in which consisted the true dignity of man. It was the bounden duty of Parliament to put an end to the existing state of ignorance among the lower classes in the country, which was productive of so frightful an amount of crime. Nine-tenths of the inmates of prisons throughout the country were unable to read. The very fact, that they enacted laws and inflicted punishments on those who violated them, proved that their first care should be, to provide adequately for the knowledge, the health, and the morals of the people. They had heard much of the voluntary system; but he would ask, had that system been successful? What were its fruits, and what was the harvest which had been reaped from it? It was well known, that no advantage whatever had sprung from the schools founded on the voluntary principle, and yet it was said it would be dangerous to meddle with it: but they should check that charity which was the natural impulse of the heart. But if the voluntary system had been good, why had it been abandoned in the case of the Poor Laws, the police, and innumerable other instances which he might mention? It was, because the voluntary system of education did not work well, that he wished to see an organised system substituted for it. He was anxious to see schools established where every one would be entitled to instruction as a right conferred by law, and this too, without reference to religion. In the present schools, it was evident that Roman Catholics could not be educated, but then it was not because they did not read the Bible. It was a fact not to be contradicted, that editions of both the Old and New Testament, sanctioned by the prelates of the Roman Catholic Church, had been diffused throughout Ireland. The noble Lord (Stanley) had asserted, that universal education had always been conducted under the superintendence of the Church, and for this he quoted the authority of the law in the time of Henry 4th, and the opinion of Lord Holt in 1701. It was true, that in Catholic times, the education of the people in this, and the other countries of Europe, was in the hands of the Church, but for his purpose the noble Lord might have adduced stronger authority than he had advanced. The Council of Latern would furnish much more conclusive evidence in his favour, and the doctrine of the Council of Latern was subsequently confirmed by the Council of Trent. This doctrine had been embodied in the law of both Ireland and Scotland; and in Ireland it was carried out in a remarkable way in the diocesan and parochial schools. But was there any one so blind as not to see, that such a state of things was peculiar to the then state of society, and could have no reference to the present times? It was to be expected that in the feudal times education should be in the hands of the Church, for in those days there were none capable of affording instruction but the members of the Church. It was not fair, however, to infer, that because formerly the Church had the management of education, it should also have the exclusive management of it at the present period, when learned professions, and learning generally, had a distinct and separate existence. God forbid that he should oppose the proper interference of the Church in the religious education of those who belonged to her flock; but he could not go the length of confiding to her management and direction the secular as well as the religious education of the country. He would ask those who wished the clergy to have the sole direction of education in this country, did it follow, that because a clergyman was competent to instruct in religious matters, he was equally competent to afford instruction in mathematics, or in other collateral branches of learning? But if the Church of England laid down the position, that it ought to be the sole manager of the education of the country, it laid claim to a power which it could not maintain, and which, under existing circumstances, it would be impossible it could possess. If it made such a claim on the ground of its being the national Church, they should first understand what the word "national" meant. The claim might be tenable if the Church was the Church of the entire nation, but unless that could be shown, he apprehended that any such claim should fall to the ground. The Church had no right, and could claim no right, over those who had no sort of communion with her. He had already expressed his opinion of the two societies so often alluded to in the debate. He objected to their system, because under it the distribution of the funds was calculated to serve the richer districts in a most unjust ratio, as compared with the poorer districts. He likewise objected to it, because it failed to establish a plan for securing efficient teachers. It was not sufficient to say that a certain sum of money was to be given to certain schools, The very essence, the very mind of the school was in the teacher; and any system proposed for the country generally, would be exceedingly deficient if it did not adopt some means for securing that most essential advantage. He also thought it most necessary to establish inspectors. Those upon whom the responsibility would rest, for the moment the House granted a sum of money that responsibility would arise, would never be able to account for the proper application of that money without the aid of inspectors. What appeared to him best for this country, as for every other, was to unite the two great powers—the central power and the local power; the first for transmitting and taking care of the funds; the latter for seeing that they were justly applied. Such was the system acted on, he might say, over the civilized globe. It had been adopted in Greece immediately after the revolution; it had existed in Naples since the year 1806; it had been established in Rome under Leo 12th; in Tuscany at a still earlier period; in the confederated republics of Switzerland—all had boards, ministers of instruction, councils, and local committees. France, by the law of 1834, had adopted it; it was in use in every one of the states of Germany, from 1802 to 1834; in Russia it had advanced, stage after stage, to its present excellence and efficiency; Sweden had her local boards and committees; Denmark her councils, inspectors, and secretaries: in Holland, as the House was aware, and even in the states of America, had such a system been adopted with success. In a report on the state of education in the state of Kentucky, the reporter stated—

> "In the first place, the experience of those states, whose systems I have examined, recommends very clearly, that popular education be taken under legislative patronage and control. It cannot be denied, that in some cases legislative effort has not been crowned with all the success desired; yet it is also true, that the general diffusion of education has never been effected in any age or country, except by governmental aid and direction."

And again, in more detail—

> "If every parent in the State could and would educate his children, and educate them well, nothing more could be desired. But as it is essential to the well-being of society, that all its intellectual capital should be employed, if any member of the common family cannot educate his children, he should be assisted; if any could, but will not, they should be impelled to it, by authority or inducement:"—

That was from America, not Prussia—

> "If all or any are disposed to do it, but to do it imperfectly, they should be overseen. The great object of legislative superintendence therefore, is, to see that all the children in society are educated, and educated well. That these ends cannot be attained without the direction of Government, is demonstrable from the experience of New York, shown in 1816, when the Legislature assumed the control of public schools, the number of children were reported at 140,000; whereas, at the present time, it cannot fall short of half a million."

His great object was to have, if possible, an united system of education; but, no matter what happened, to have education. The Government plan had been objected to, because, as it was said, it would unite the different sects in the same schools. He had seen no proof whatever of any such intention. The Government only required that the children should be united to receive secular instruction, but that religious instruction should be given apart. He could not see, therefore, what difficulty there was in the way of religious instruction, or how it would be in the slightest degree changed or interfered with, under the scheme which had been proposed. It had frequently been acknowledged—nay, it was now received as a matter universally admitted, that the Protestant version of the Holy Scriptures contained numerous faults and imperfections; would it not then be much better, that the Catholic child should be allowed at school to read some version of the Scriptures, or even extracts from a version of the Bible, rather than that he should receive no religious instruction whatever? Gentlemen who took a different view of this great and important subject from that which he entertained were much in the habit of anticipating most alarming evils from the practical application of those principles of popular education, of which he had ever been the humble but earnest advocate. Now, if these evils were so likely to occur in England, he desired to know why it happened that nothing of the sort was to be found in Prussia, in Holland, or in the United States of America. The state of public morals in those parts of the world was such as the people of this country mightwell desire to see established in their own, and he did not hesitate to impute that superior condition to a superior system of popular education. Amongst the objections urged against the system of which he was a supporter, there was this, that it tended towards the establishment of the religious ascendancy of the Catholic Church: he disbelieved utterly that it had any such tendency. He appealed to the statements of facts already before Parliament, and within the reach of every Member of that House, to bear him out in the assertion, that the system had not the least tendency towards any such result. If for a moment he thought that it would be followed by such consequences, he sincerely declared that it should receive no support from him. He was not opposed to Protestant ascendancy further than he was opposed to the ascendancy of any particular class of religionists. He was opposed to any species of ascendancy. He was as little favourable to Catholic as he was to Protestant ascendancy. There was no effort which he could make—there was hardly a sacrifice which he should consider too great, for the purpose of preventing anything so much to be deprecated as the ascendancy, in a religious point of view, of either the one party or the other; but it was in the confident belief, that the great ends of education could be fully and completely attained, without in the least promoting the ascendancy of any class in the community that he ventured earnestly to press upon the House of Commons the necessity of giving to the children of the people whom they represented a sound, a practical, and religious education; and at the same time that it was religious, protected from the dictation in matters of faith, of any section of the community. It was impossible to look abroad without being sensible of the fact, that there was, in every quarter of the country, a deplorable want of education—he might say, of almost every species of useful instruction; but he ventured to hope that the time was at hand, when this stain and reproach would be wiped away. If they refused their assent to the present scheme, it would be soon impossible to resist, with civilisation making such rapid strides throughout the great European family. The cause should advance; it was a righteous and a just cause; and, feeling confident in its future success, he would strike the earth like Galileo, and say it still went on.

Mr. *Colquhoun* observed, that the question was not, whether they would take any particular step for the purpose of promoting the ascendancy of the Established Church, but whether they would abandon a system which had worked well for the purpose of introducing a new system, which was alien to the constitution of the country, and to the feelings of the people. If, as was alleged, the Board possessed the power of introducing those extensive changes, they might do so at any time, and it was perfectly natural, so long as the Board possessed the enormous discretionary power of making such changes, that the people of England should regard them with a salutary jealousy. These vie s of his were supported by the authority of one who was a Dissenter, a voluntary and a liberal; he alluded to Mr. Dunn, the Secretary to the British and Foreign Bible Society, who said,

> "Why should we betake ourselves to measures so foreign to the habits and feelings of the nation—so liable to abuse, tending so directly to the worst of all tyrannies? The enslaving of public sentiment is a question I confess myself utterly unable to answer. I can discover no imaginable reason why we should thus toss at the feet of any Government an amount of moral influence, the possession of which, under some circumstances, might lead to the destruction of our liberties."

Why should they, who sat on that side of the House, not follow the course which to their judgments seemed best, when so far from being condemned, it was supported by one who was a liberal, a voluntary, and Dissenter. The central society proceeded upon the avowed object of establishing a system not sectarian; nevertheless he admitted that it was no easy matter to be quite certain as to what were the views and wishes of the Central society, since, in imitation of very high authority, they agreed to leave many of their questions open questions. It would seem, that each member of that association acted, in many cases, quite independently of his fellow-members, or at least claimed the right to do so; hence it was not unaptly called Liberty-hall; but he concluded he should be justified in assuming, that the secretary of that body, and the editor of the publication which they patronised, might be held to speak pretty nearly the sentiments of the whole body. Mr. Duppa declared in the most distinct terms, that it was necessary to separate secular from religious instruction. He said, "to effect this object it is only necessary, that instruction of a purely scientific character should be separated from that which is religious." Mr. Simpson informed them that children were educated at the National Schools from the ages of two years to fourteen. "The Bible," he said, "should not be taught from two to fourteen. Masters should be dismissed for meddling with the subject of revealed religion. I would prohibit the teacher from any reference in his lessons to Christian doctrines or Christian history. The Bible had better not be placed in the secular school at all. Without this we shall never carry into effect a system of national education." These were the sentiments plainly avowed by Mr. Simpson. He would ask the House was it not too much to require that he and those who thought with him should abandon the opinions which they held last year, merely because others had given up theirs—that they should join in denouncing now those principles in conducting the education of the country which they had formerly given their consent to when supported by the noble Lord opposite? who had strongly departed from the wise course in which last year he had earnestly engaged. There had been a great change in his conduct. [Lord *John Russell* "None whatever."] He repeated, that the noble Lord and the hon. Gentleman opposite did by no means hold the same sentiments in the present year, that they had done in the last. On that account, as well as for other reasons, he should take the liberty of calling the attention of the House to a short extract from a speech of the hon. Gentleman who spoke last. It was in these words:—

> "The great defect of English education is the total want of a national organization. There is not, as in all continental countries, a Minister and Council of Instruction—wandering voluntary system of instruction. If the State is to touch our public schools at all, she must do it through a proper department—no more grants, or a Minister and Council through which they are to come. Difficulties there may be but none which good sense and strong will may not beat down. There is no possible reason why Government in the case of England should not act as in the case of Ireland. Is a Home Secretary here of shorter arms and poorer courage than a Chief Secretary there? A letter of instruction may fairly anticipate an act of Parliament. What we want is the organization—a board of education for England."

These were the sentiments of the hon. Gentleman: what did the noble Lord do? In February out came his letter of instructions; in April, the National Board was constituted, following step by step most marvellously the instructions of the society. The next step was the erection of a normal seminary. This, also, was insinuated by the noble Lord into one of his schemes. And what was the end which the Central Society had in view? The hon. Gentleman had to-night pretty strongly intimated that the object was to give the board full inspection and control over all the schools in the country, and thereby oblige them to alter their system according as they should think proper to suggest. He had stated, that this board did not give satisfaction to the Church of England, the Wesleyan Methodists, or the great body of Dissenters; but did it give permanent satisfaction to the Gentlemen of the Central Board itself? No such thing. It was merely to be preparatory. They represented the Board of Privy Council as overloaded with business, not permanent in their constitution, and little versed in systems of instruction, and utterly unfit to superintend the national education. But the Central Society did not wish the noble Lord all at once to grasp at entire domination over national education; but by and by a proposal would be made for appointing three paid commissioners, as a noble and learned Lord suggested in another place, with powers more absolute even than those of the Poor Law Commissioners—powers to visit every school in England, to establish what was called a national school in every parish, and compel every child, from two to fourteen years of age, to attend them. It was perfectly obvious, then, that we were now entering upon the first step of the plan, as developed both in the publications of the Central Society, and in the elaborate evidence given before that committee, of which the hon. Gentleman was Chairman, and the House must be prepared for the results. The noble Lord, the Secretary for Ireland, and the hon. Member for Lambeth, tried the other night to persuade them that their fears as to the results of this system were chimerical for that, in fact, it was only a recurrence to the old system, which had been in operation for the last six years. But, if it were indeed so, if there was no difference between the present plan and the Treasury scheme of Lord Althorp, why did not the noble Lord at once relieve the excited apprehensions of the country by acceding to the motion of his noble Friend, the Member for North Lancashire, for this Board of Privy Council, so long as it existed, would possess great powers and great discretion, which it might abuse! All he asked was, that they should revert to the rules laid down by the Treasury. But were the rules laid down by the Board of Privy Council really the same as those of the Treasury? They were as different as possible. The rules of the Treasury secured to the country the guarantee of two established societies, both for the character and permanence of the schools to which money was voted; but, under the Board of Privy Council, any school, however recommended, whether they had ascertained its character or not, whatever that character might be, whether it taught the most absurd or the most offensive doctrines, however ephemeral its existence might be, springing up to-day, and disappearing to-morrow, every such school might receive a portion of the public money. The Treasury scheme possessed another very great advantage; it called forth from the different localities in which a school might be established a large amount of private subscriptions. The Privy Council Board presented no such guarantee for the judicious and proper application of the public money. It was true, no doubt, as the hon. Member for Lambeth had remarked, that there were districts in the country so poor that they could not afford to raise any local subscription; that fact was deserving of the utmost consideration. But let them, at least, supply those cases whose destitution the Treasury had examined, and which had not yet been relieved, before they were called upon to reverse the system on a mere theoretical objection. Besides, there were a great number of new district churches building throughout the country, and if the Treasury grants were continued, a school would be established in connexion with every one of them. Within the last six years, 120,000*l.* of public money had been expended for educational purposes; it had called forth no less a sum than 230,000*l.* in the shape of local subscriptions, and secured education to 230,000 children, and covered a population of two millions and a quarter. Thus had schools been erected with a perfect guarantee for both character and permanence; and it was hardly reasonable to call upon them to retrace their steps, and reverse their system, because it had not effected all that some hon. Gentlemen might desire. If enough had not been voted, why did they not increase the Treasury grant? They had, through the National Society, applications from no less than 168 places, giving education to 32,000 scholars, drawing out of local contributions 55,000*l.*, and receiving only 16,000*l.* from the Treasury. Here was a practical case—a tangible and substantial good to be accomplished. The Privy Council Board allowed the greatest possible latitude as to who should apply for a grant, and who should receive it; but they were very stringent in one rule; they insisted on a pledge to conform to the discipline and the rules laid down by the Privy Council. [Lord *J. Russell.*—No: their own rules.] He begged the noble Lord's pardon. He regretted, however, they had not yet heard the comments of any one of those four Members of the Board of Privy Council in explanation of this very obscure and very important document. They had been told a fortnight ago that papers should be laid forthwith on the Table, which would remove the gross misrepresentations which had been circulated respecting the noble Lord's scheme; but up to the present moment no explanatory document had been presented—nothing to correct misapprehension, nothing to obviate perversion, nothing to clear away the mist which enveloped this important Minute. When they came to the discussion, however, they were told by the noble Lord, the Secretary for Ireland, that there should be a conformity to the regulations and discipline established in the several schools, with such improvements as from time to time might be suggested by the Board. He would venture to say, that no member of the Church of England, no Wesleyan Methodist, no evangelical Dissenter, would put himself in connection with this Board under a system so constituted as to require from them a conformity quite inconsistent with their principles and conscientious opinions. The plan, therefore, of the noble Lord would exclude from any participation in the Parliamentary grant all who were attached to the Church of England, and those large classes of Dissenters who never would consent to the condition so unjustly imposed of opening their schools to the visitation, control, and capricious improvements, of a Board whose plan was not yet matured, which was yet only in the womb of time, and which, so far as it had been developed, never would give satisfaction to the great bulk of the people. But it seemed, after all, that the most obnoxious feature of the former scheme, the erection of a normal seminary, had not been abandoned; it was only postponed; what mode of instruction, then, did the noble Lord propose to introduce in the normal school? Was it to be connected with the Church of England, on the system recommended by the British and Foreign School Society, which the noble Lord had admitted to be the best? The noble Lord's scheme was to lay aside all the special points of religion in which each sect differed, and reserve those general points in which they all agreed. The Central Society represented the British and Foreign School system as essentially sectarian; conscientious Unitarians and Catholics were opposed to it. The Bible must be taught regularly and systematically; its doctrines must be ingrafted on the minds of the children before any good moral result could be expected. On this subject he begged to quote the testimony of a distinguished philosopher and statesman. M. Guizot said,—

> "It had been sometimes thought, that to succeed in securing to families of different creeds the reality and the freedom of religious instruction, it was sufficient to substitute for the special lessons and practices of the several religious denominations, some lessons and practices susceptible in appearance of being applied to all religions; this would not answer the wish either of families or the law; they would tend to banish all positive and effective religious instruction from the schools, in order to substitute one that is merely vague and abstract."

The noble Lord's panacea of special and general religious instruction must, therefore, be a complete failure. He hoped the noble Lord, referring to the document which had lately been placed on the Table, and which enumerated no fewer than twenty-five different sects, would place on record those doctrines in which they agreed, and those on which they differed; the result would probably satisfy most hon. Members that a system of instruction projected on such a basis must fail of its intended effect. Then, there must be a master; abstract rules, mere idle regulations, could effect nothing. The master must form the habits and minds of the scholars. Now what religion was the master to be of? If he were a member of the Church of England, all the other twenty-five sects would clamour against his appointment; and if he belonged to one of the twenty-five sects, the other twenty-four would clamour as loudly against him. If he were a man duly impressed with a sense of the religious principles of the sect to which he belonged, he would, of necessity, impress upon his pupils those religious principles which he himself conscientiously believed; and if he were a man of no religion, would the moral and religious people of England submit to have their children exposed to his tuition? What, then, were they to do with their model school, and with their rector, who was to initiate all the other masters who were to be appointed to regulate all the other schools in England? M. Cousin had observed, that children judged of the value of the instruction which they received in schools from the time and attention devoted to it. If, then, religion were to be excluded as a subject of instruction from these schools, what would children think of religion? They would regard it with indifference; and therefore this system was setting up a series of schools which would train up tutors and children in indifference to all those great and eternal truths which were essential to the maintenance of peace and order in society. He, therefore, protested against this system, from which practical religion was absolutely excluded —a system fraught with blunders, as the noble Lord had himself admitted, when he abandoned his first scheme. [Cheers from the Opposition, and cries of "*No, no,*" from the Ministerial benches.] What was he to understand from those cries? That the first scheme was not even postponed? They had heard a good deal last night about open questions—was this to be another open question? The noble Lord, the Secretary for Ireland, had said, on the former night of this debate, that that scheme was abandoned. "But no," says the noble Lord opposite, "the scheme is not even postponed." [Lord *John Russell*, I said nothing of the sort.] He begged the noble Lord's pardon then, but some one said "*No*," and he conceived that the cry came from the noble Lord, and the noble Lord would forgive him, if he attributed more of meaning to the hon. Gentleman who sat behind him, than to the noble Lord himself. Remembering how often the noble Lord had brought forward and abandoned schemes which he had described as well considered and deliberately arranged, and remembering, too, that it was only last year that the noble Lord had abandoned his education scheme in deference to the opinions of those who usually sat behind him, he must say, that if the negative which he had just heard came not from the noble Lord, but from some of the hon. Members behind him, it afforded him great room at least for comment. Would the noble Lord then allow him to consider the last edition of his education scheme as the type of his meaning? Why, it was only last year that the noble Lord had declared in his place in Parliament, that he could not discover any mode of reconciling religious differences on the subject of education, and that those differences were so wide and irreconcilable, that he despaired of being able to present to the House any united scheme of education. The noble Lord, resting upon the petition from Manchester, signed by 22,000 persons, in support of the Government plan, and upon the petition presented by the hon. Member for Staffordshire, which was not against it, would perhaps argue, that there was now a greater concurrence in its favour than he had been led to anticipate, and would therefore be for introducing his proposed plan. He was therefore bound to come to the same conclusion to which his noble Friend had arrived on a former night; and as long as this Board was to be constituted, with unlimited discretion, and was to have power to deal as it pleased with the moral and religious education of the people; and, therefore, to tamper with those important elements of national prosperity, so long must he join with him in praying that this Board should cease.

Mr. *C. Buller* admitted, that he was one of those Members whose cry of "No," had called forth so much eloquent indignation from the hon. Member for Kilmarnock. He was sorry to have done any thing to force the hon. Member out of the usual placidity of his demeanour; but he could not but contradict the assertion that the first plan proposed by Ministers had been abandoned by them on account of its blunders, when its abandonment had been justified by them on the single and adequate ground of their inability to carry it in despite of the opposition with which it had been encountered. There was one thing in these debates, which was very valuable to the cause of national education—it was this, that whatever might be the line of argument adopted by any speaker on the opposite side, or whatever feeling might be assumed by him, the arguments and the reasoning of all resolved themselves into nothing more nor less than this—determined and unconquerable hostility to the general education of all classes and sects of the people of England. He was not then going to defend the particular defects which might be pointed out in the plans of the Government, and which had given room to the noble Lord the Member for North Lancashire (Lord Stanley) to treat some of his former colleagues to a sample of those courtesies by which he loved to revive the tender recollections of his bygone friendships, and to expatiate upon a subject of which no person had greater experience—the most convenient mode of abandoning a course on which a man had once entered. He (Mr. C. Buller) admitted that both plans had this fault, that while they were liberal enough to excite the hostility of the thoroughgoing advocates of the exclusive pretensions of the Established Church, they were not on such a scale of practical utility as to excite the sympathies of the masses. There was, however, this of promise in both plans, around which the friends of civil and religious liberty ought manfully to rally; there was in both plans a recognition of the principle already recognized by every other enlightened Government in the world, and which this had been the last to acknowledge, namely, that the business of the education of the people ought not to be left to the voluntary principle, to the whims and caprices, or to the unaided and ill-directed efforts of individuals, but that it should be conducted as a matter of vital interest to all classes of the community. Around this principle, and the Government which adopts it, it is the duty of every friend of education and freedom to unite. But he must tell the noble Lord, the Member for North Lancashire, that he and his worthy coadjutor, the noble Member for Dorsetshire, had given them a fresh and far stronger motive of union than they had before. It is not on either of the Government plans, but on his own amendment, that the noble Lord compelled them to vote to-night. That amendment positively and specifically annulled the only, the slight, but only provision for general education ever attempted by the Government of this country. He proposed no other scheme. He called upon them to annul the superintendence of education which the Government now proposes, to intrust to the Committee of the Privy Council. He did this on the ground that that Committee is not a clerical body. He called on them to affirm, that whatever the Government of Great Britain does for education, must be done by the agency of the Established Church; and that if it cannot do anything through that agency, it must do nothing at all for education. That was a proposition which he would ever resist. He was sure that it would be successfully resisted, unless he mistook—greatly mistook, the spirit of his countrymen. He was not then going to trouble the House with examining the different points which had been urged in debate. He did not mean to deprive of a particle of its value all the antiquarian lore which the noble Lord opposite had been able to pick up upon this subject. He left to the noble Lord all the advantage which he could get from the Chief Justice of Henry the 4th, for he should not even attempt to contest the point, whether the education of Protestant Great Britain, in the nineteenth century, should be regulated by the maxims of a bigotted old barbarian—[*Ironical cheers from the Opposition*]—yes, of a bigotted old barbarian, whose chief employment was the burning of Lollards. He would leave the noble Lord all the advantage he could get from an example drawn from these pure wells of bigotry undefiled;—from the worst age of their Popish ancestors—an age that was the most disgraced by Popish persecutions. [Lord *Stanley* said, he had not said anything like that.] He was not pretending to repeat the exact terms of the noble Lord. He knew that the noble Lord and others opposite were too cunning to commit themselves to the precise formulas of bigotry which were adopted by their supporters out of the House. But he appealed to any man who had listened to the speech of the noble Lord, whether he did not in substance advance these doctrines, from which he now sought to withdraw?—the doctrine that no education should be given by the state, except under the superintendence, and by the means of the Established Church. That was the doctrine, which he now felt himself called on to combat; and his objections to it were twofold. In the first place, the consigning the business of education to the Established Church was only an uncandid way of throwing aside education altogether, for the Established Church had not the machinery for dispensing education; so that, when they talked of leaving education in the hands of the Established Church, they only meant to leave it to the voluntary associations of its members. What part of the funds of the Church were allocated to education? — what portion of the hierarchy particularly devoted themselves to it? — what portion of its patronage was given by the Church to those who devoted themselves to education? Why even those funds and dignities which had been set apart for the education of the people at the time of the Reformation, had been perverted from their original purpose, and turned into mere sinecures. These were statements in which he should not be contradicted by those who were interested in diocesan schools and who had been the first to complain of this abuse. But this system of leaving education in the hands of the Established Church had had a long trial, and what had been its effects? Let them look to the state of education in this country. Were they to judge of them by that perverted system of education which is to be witnessed in our Sunday and charity schools, or were they to look for them in those wide and populous districts which are left destitute of any education whatever? What were they to think of the merits of that instruction in morality and religion which had afflicted our country with more thieves and prostitutes than any other in the world? He should be ready to intrust the education of the people to the clergy of the Established Church when he saw, that clergy giving some earnest of its zeal in the cause by restoring to their original destination the funds which had been originally devoted to education, and when he saw any portion of its honours conferred upon those who humbly devoted themselves to the task of instructing the people. The second objection which he had to make to the plan of education by the Church was a stronger one. In this country liberty of conscience had been more fully vindicated than in any other country, and it was, consequently, more divided into sects. If any offer of education was made through the agency of the Established Church, and through its agency alone, the Dissenters would refuse to accept it. This might be said to be bigotry on their part; but such was the feeling of the country, and Ministers were not to overlook it in establishing a system of education. What would be the effect? Why not that you would have got any way in giving religious instruction, but that you would have debarred from education of every kind all those who would not accept it on condition of being connected with the Established Church. But amongst these were some of those to whom they ought above all others to take care to give education — not only for their own sakes, but for the sake of all classes of the community. My great object, said the hon. Gentleman, in rising to night, is to call the attention of the House to this particular view of the question. You will not appreciate this question aright while you consider education as the mere privilege of the individual—as a boon which you confer by way of charity, and which you may deal out with a bountiful or a niggard hand, as a premium on conformity to the Established Church. Education is indeed the highest of a freeman's blessings, and the most valuable of a freeman's rights. But it is still more to be regarded as the first precaution of a wise government — a precaution which it is above all things the interest of the possessors of property to take with respect to the mass of the people, and a precaution which is so necessary in no other country of the world as in this, in which the singularly artificial structure of society, and the great inequality of social conditions expose us to such constant perils from the ignorance and discontent of the uninstructed poor. This is an aspect of this and other questions, which I never can behold without emotions of alarm. Whenever I contemplate the condition of the working classes, the deep and dark gulf that separates them from the knowledge and the sympathies of their superiors in fortune, the utter ignorance in which we are of their feelings and wants, the little influence which we have over their conduct, and the little hold which we appear to have on their affections, I shrink with terror from the wild passions and dense ignorance that appear to be fermenting in that mass of physical force. We see vast portions of them utterly neglected, utterly uninstructed, and plunged in debauchery during the intervals of toil. Among another and yet wider class we may observe the spread of thought yet more pernicious, and the intercommunication of sympathies yet more menacing. Sometimes the murmur of their discontent and ignorance assumes an articulate form, and speaks in the accents of the disciples of Thom, the followers of Stephens, and the millions whose creed is Chartism; for such are the instructors to whom you leave the minds of the people. Some learn their religion from a lunatic, in whose resurrection they believe; others are taught that every man has a right to what wages he thinks reasonable, and that he may enforce his right by the dagger and the torch. Others learn that rents and profits are a deduction from wages, and consequently believe that the owners of land and capital are the plunderers and oppressors of the workman. These doctrines advance unencountered by the morality or the simple political reasoning which would dispel their influence. This bad instruction is allowed to be the only instruction of the poor, while you, the enlightened rulers of this country, whose property and lives will be the first victims of these terrible delusions of the masses, spend in a squabble about creeds, the precious time which is rapidly bearing us on to the dark catastrophe of our culpable folly and neglect. And when the Government—the last of civilized Governments to awake from its torpid neglect of the minds of the people, proposes at length to send the schoolmaster among these dangerous yet teachable masses, the noble Lord, and the Church, and the aristocracy, and the great conservative party, bar his passage with the thirty-nine articles. Take, for instance, the population of Manchester. A large proportion of them are Irish Roman Catholics. They are poor, they are ignorant, they are drunken, and, in addition to this, they have introduced into England, their country's vice of illicit distillation, and its attendant mischiefs. They are entirely under the influence of their priests, and ill supplied even with their aid; not at all with any other instruction. Whose interest is it that these people should be educated? That of every peaceable resident —every man of property in Manchester and the whole country. Why is it, that they are not to be educated? Because their priests will not let them read the Bible in any version but the Douay one which in some score of passages differs from ours; and because the noble Lord says, that he never will aid them to learn to read, if they are to read any version but our own. What does he gain by this? Does he get them to read the true version? Does he dispel their religious errors? Not a whit. He only places them more at the mercy of their priests—only rivets them by utter ignorance more to their religious errors—only adds entire, to partial ignorance. The consequence is, that the poor man reads neither the Douay nor the English version, nor any book whatever. Now do you mean to say, that no instruction is of any use to a Catholic—that all Catholics are alike? No one can say this who knows anything of different Catholic nations—who knows the difference between the educated Catholic of Lucerne and Baden, or the uneducated Catholic of Spain and Portugal. This is the choice presented to you; and the noble Lord thinks it better to leave the Catholics of Manchester in the state of the Spanish than in that of the Swiss Catholic. "*Quam parvâ sapientia regitur mundus.*"! He had heard, the hon. Member continued, the argument of the hon. Member for Kilmarnock, the object of which seemed to be to prove, that there could be no common instruction for people of different religious creeds, because education should not be given separate from religion. The whole argument rested on a confusion between education and instruction. Using the word *education* to denote the whole bringing up of a child, he would admit, that it would be a mere abuse of terms to say, that in a Christian country there could be any complete *education* which did not include religious instruction; but it seemed to him an equal abuse of terms to say that there could be no *instruction* in particular branches of knowledge without its being combined with the teaching of religion. There was not one of them who did not, in private life, constantly receive particular instruction wholly unconnected with religion. They did not look for instruction in the law through the medium of religion. When he himself sought from a conveyancer and a special pleader instruction in the law, he never inquired what was the religion of either, and he could very safely say, that it was not customary with students in the legal profession to make any such inquiry. Staunch Protestants, as were hon. Gentlemen opposite, even they required not that those who taught their children music or French should be Protestants also. Some men, indeed, he knew, were so conscientious, that they insisted upon their daughters learning bad Swiss French, because they would have none but a Protestant governess; he hoped, however, that it might never be his misfortune to hear the young ladies, who had learnt music or French, from Protestants, exhibit their accomplishments. It might, however, be considered that these were mere accomplishments, and minor parts of education. But if they applied the rule to the teaching of French and of music, why not also extend it to geography, or arithmetic, or history, or all other useful branches of instruction? And for arguments, such as these, you give up all the great advantages of a common system of education. You give up the valuable influence that it would have in softening the animosities of sects, and strengthening the common feelings of charity. Was it not bad enough that the people of this country should be kept asunder in after life by the divisions and separations of the various sects? And was it not most desirable that, in early youth, associations might be formed, which might soften the asperities of after life, by the recollection of the common studies and sports of childhood. And what religious denomination would be the gainer by a community of education? If the friends of the Church of England were wise (and he said this without a fear of infusing suspicion into the minds of the Dissenters), they would see that community of education must tend to the advantage of the Church of the majority. How did it tell, in fact, among the upper class, the immense majority of which belong to the Established Church? Was it not daily seen that the sons of Dissenters, who had made their fortunes, on becoming students at Oxford and Cambridge, were found to turn to the religion of the majority, and became members of the Established Church? He, therefore, had no doubt that the effects of a common education would be to swell the numbers of the Established Church. But it was in vain, he feared, to expect wisdom from clergy of the Established Church. He wished to speak with every respect of the Clergy of the Established Church. [*Cheers from Members on the Opposition benches.*] He could tell hon. Gentlemen who cheered rather sarcastically, that though he did not make many professions on the subject, he had always upon political grounds, been desirous of maintaining the Established Church, and that he never had advocated the voluntary system in England. Feeling, then, the strongest desire that the clergy should be entitled to the respect of the people of England, he must say, that it was with regret, that he felt himself compelled to say, that since the times of Dr. Sacheverell, and of church mobs, never had the conduct of the clergy been so injudicious and offensive in politics; and never since the days of Laud had the doctrines put forth by the Church of England been so alarming to the friends of civil and religious liberty. Hon. Gentlemen opposite were in the habit of identifying Members on his side of the House with every extravagant opinion of every individual, who happened to entertain any of the same political sentiments, such as the excesses of the Chartists. He did not mean to imitate this injustice; but, he did not think it was unfair in him when he said he could not entirely dissociate hon. Gentlemen opposite from a party, which had an important influence out of that House, and which had representatives in that House of great ability, great activity, and of great influence. He must couple the Gentlemen opposite with the efforts that were being made, and with the doctrines promulgated by the University of Oxford. When he saw the opinions that had there been put forward; when he knew that they had found followers among a vast proportion of the parochial clergy, when he knew that their influence had invaded the chairs of the professors, and got into their hands a great share of the education of that University, and when he saw many able Representatives in that House of these doctrines, he could not but look with suspicion on the designs of these Gentlemen. He should not enter into the doctrinal points in dispute, nor the wonderful affinity which was shown in the theology of these gentlemen to that of the Church that they most reviled. He left the clergy of the Church to settle these points with their new allies, the Wesleyan methodists. He only begged of the great mass of the members of that denomination to take well to task those who brought them in contact with Gentlemen who contended for absolution and penance, and as if that were not enough descended to the puerilities of Catholicism, and cried up the virtues of the sign of the cross. But he wished to direct the attention of the House to the political tenets which had been put forward by his hon. Friend opposite (Mr. Gladstone); and all must admit his candour in taking for the object of his attack, a work which might be considered as the ablest exposition which could be given of these doctrines by a gentlemen, of whom he would not speak without congratulating him on having been one of the few men in the present age, who ventured not only to put forward unpopular tenets, but followed them to their legitimate consequences with a logical intrepidity as rare, and almost as admirable as his moral courage. He would ask the House to recollect his hon. Friend's arguments for what was a system of religious favouritism, if not of religious intolerance; and, whether there was more than one logical step between these doctrines and religious persecution? His hon. Friend's humanity had shrunk from that one step; but could we rely on similar moderation from all his followers? His hon. Friend's arguments went to the root of the great bulwark of Protestantism, the right of free inquiry and of private judgment—and he wished to know, whether, upon the exquisite reasoning, of his hon. Friend, they would allow the right of private judgment to dwindle into the right of simply agreeing with the Church of England in everything she proposed? He asked them, the guardians of the liberties as well as of the religion of the people of England, to look well to those doctrines so fatal to freedom and to Protestantism which were making rapid and dangerous progress. And if the arguments which he had previously used were not sufficient to induce them to refrain from placing education under the superintendence of the Established Church, at least before they did so, let the considerations which he had last adduced, induce them to require a guarantee that their placing the education of the country in those hands, would not favour the propagation of doctrines than which the Papacy in its worst days never advanced anything more degrading to the human mind, and more inconsistent with human liberty.

Mr. *Acland* said, he was deeply impressed with the opinion that the House of Commons was a most unfit place to be the arena of polemic disputation on points of faith or on matters of religious difference, and he assured hon. Members he should not be tempted by the precedent offered to-night to follow the example of the hon. and learned Member for Liskeard. The hon. and learned Member had thrown out some taunting expressions with respect to the new alliance between the friends of the establishment and the Wesleyan. He would ask the hon. and learned Member, whether he thought that, in Cornwall, where, as he well knew, the labouring classes had all the intelligence of a manufacturing population, and where many of them were Wesleyans, they would be satisfied with any education which was not based on religion? But the hon. and learned Member little knew the character of Englishmen, groaning beneath the grinding effects of the transition system (as it was termed) with respect to the employment of capital and labour in our manufactures, if he thought that their causes of complaint would be removed or their inconveniencies and sufferings assuaged by such propositions on the subject of national education as they had been favoured with on this occasion. Men who are suffering the misfortunes of this life, need to rest on the realities of another world; and there was no doubt that they felt severely the state of destitution of religious instruction in many parts of the kingdom, and the consequent deprivation of spiritual consolation in their families. He believed that no description of education dissevered from religion would be acceptable to the working men of England; and he did not think they would be grateful to those who, like the hon. and learned Member, proposed to extricate them from the squabbles of conflicting creeds, by involving them in the squabbles of political economy. The hon. and learned Member had borrowed assistance from a doctrine certainly not very novel, and by which it was always easy to ensure a laugh, namely, that the teaching of mathematics, dancing, and French, was not connected with religion, and thence would have inferred there was a similar want of connection between a system of national education and religion. There was no parallel between the cases. ? What might be true with reference to instruction in the better-informed classes of society, might, as in the parallel attempted to be drawn, be quite erroneous, as respected the more ignorant and prejudiced portion of the population. The question before the House was whether the functions of the Established Church should be made over to a board of public instruction; and whether, in some ten or twenty years hence, England should have a minister of public instruction or an Established Church. He would show, before he sat down, what the Church had done in this country, for circumstances had called upon him to investigate the subject. Certainly, care of the public education had, in most cases, been confided, and most beneficially, to the superintendence of the Church. In the universities and down to foundation and grammar schools, the charge was almost exclusively confided to the clergy. It had been erroneously supposed that the law in this respect had been altered of late years; but he believed no lawyer would deny, that, notwithstanding the extension of religious liberty, the Church is entrusted with some general superintendence over education, however limited, in special cases. The Acts of 1779, by which Protestant Dissenters were first enabled to keep school, contained a special limitation, forbidding the appointment of Dissenting schoolmasters to foundation or endowed schools, unless they were endowed by and for Dissenters; and the Act of 1791, giving the same permission to Roman Catholics, contains the like limitation. The decision of the Court of King's Bench, on the Archbishop of York's case, was subsequent to these Acts, in 1795, and rests on the principle that "keeping "of schools is, by the old law of England, of ecclesiastical jurisdiction; and neither the repeal of the Test and Corporation Act, nor the Catholic Relief Bill made any difference in this respect. In the Roman Catholic Relief Act he found this clause:—

> "Provided also, and be it enacted, that nothing in this act contained shall be construed to enable any person, *otherwise than as they are now by law enabled*, to hold, enjoy, or exercise, any place or office whatever, and by whatsoever name it may be called, of, in, or belonging to any of the colleges or halls of the universities, or the colleges of Eton, Westminster, or Winchester, or *any college or school*, within this realm."

Then he came to the question whether

there were any grounds for supplanting the Church in this general superintendence of education, whatever that might be, to which she was entitled, and delivering it over to a body unknown to the Constitution of England. On this point he would not go into particulars antecedent to this century. But as hon. Members opposite were in the habit of speaking as if the initiatory step in the business of education had been taken the other day, he would just observe that those charity schools which called forth the admiration of every foreigner who visited this country, dated as far back as the year 1698, Archbishop Tennison having founded one of the first of them. Then, again, not to mention the schools established by the Society for the Promotion of Christian Knowledge, containing, in the year 1714, a large number of children, they had the Sunday schools, which were first established by members of the Church of England, about 1780; and yet arguments were constantly thrown in the faces of hon. Gentlemen on his (the Opposition) side of the House, which seemed to proceed upon the assumption that the Church had never stirred in the education of the people before the year 1837, at least such was his understanding of the argument of the noble Secretary for the Home Department, who dated the activity of the Church from his address to his constituents in that year. He did not mean to insist that the Church had educated all who were worthy of education at her hands, but he would say, that the hon. Member for Waterford was strangely mistaken in the statements he was in the habit of making of the deficiency of education in this country. Last year, according to the hon. Member, the proportion was one-fifteenth part of the population; this year it seems that things had somewhat mended, and the hon. Member made it one-thirteenth. Now what was the real state of facts? The population was about 15,500,000. 1,000,000 poor children were educated under the Church. About 50,000 children were wholly educated in the weekly schools of Dissenters. It was stated, that there were 750,000 children in Dissenting Sunday schools; but here a large deduction must be made for double entries. There were 600,000 other children under education, in schools conducted by members of the Church, for children of parents above the class of poor. What, then, has been the progress of education in this country? At the beginning of the century, the proportion of children at school to the whole population, was one to twenty-three; in 1820 the proportion was one to sixteen. Now, he thought he might safely defy any one to bring it below one to eleven; and he believed it was considerably higher. As to the share which the Church had in this, let it be observed that since 1826 the population had increased 25 per cent.; that in 1826 the Church educated 500,000 children, and that she educated now above 1,000,000; so that the number of children educated by the Church had doubled since 1826, while the population had only increased twenty-five per cent. during the same period. In the schools of the National Society, the number of scholars had increased, since 1820, in the proportion of 200 per cent., while the population had only increased 35 per cent. And by whom were all these schools supported? The hon. Member for Kilkenny had charged the clergy with being paid for the education of the people, and doing nothing for their hire, alleging that the state of public education was a disgrace to the body of the clergy. To repel so unfounded and calumnious a charge against the clergy, it would be found, on referring to the Inspection returns of last year, that, in 376 of the schools which were more particularly assisted by the parliamentary grant on the recommendation of the National School Society, there was paid no less a sum, for salaries to efficient teachers, than 9,381*l.* In 420 cases, including infant schools, less than 10,591*l.* a year was paid for a similar purpose, for the payment of which the clergy were mainly responsible. He might give one instance of the extent to which members of the Church were accustomed to support the cause of education. At a meeting of the clergy of the diocese of Norwich, which took place some little time ago, who were addressed by the right rev. Bishop of the diocese, and in the course of some remarks on this subject he mentioned that more than two-thirds of the children of the diocese were educated by the clergy, and that in the county he found, that no fewer than 900 schools were maintained, supported, and attended solely by the rev. gentlemen around him; and the rev. Prelate declared his happiness in recording the fact. With respect to the question of training masters, he was quite ready to admit, that there was room for improvement in that respect; and that the Church was most anxious to effect such an improvement; at any rate after the speech of the noble Lord (Lord Stanley), it was clear that the Chancellor of the Exchequer was not borne out in the assertion which he made last year, that "the reason why no part of the 10,000*l.* voted for model schools were applied were, that neither of the two societies had come forward to accept the offer." But he was also quite sure, that any attempt, such as that which the Government had made, to establish a system of training for them would prove abortive. He wished to throw out one suggestion to the Government. The practical difficulty was to furnish the masters with any prospects of promotion in active life, and remuneration for their services after retirement. If the Government would take some plan into consideration for giving retiring pensions to those who had spent their life as teachers, they would confer a great benefit on society. The Chancellor of the Exchequer had granted for the purpose of inspecting the schools aided by Parliament, 500*l.* to each of the two societies—the National, and British and Foreign,—the first of which had 425 schools, the other 117; he (Mr. Acland) said, therefore, that if 500*l.* was a proper grant for that society which had 117 schools, then in the same proportion 1,820*l.* ought to have been given to the other, which had 425. Application had been made to the right hon. Gentleman on the part of the National Society to have the grant enlarged, but the request was refused; but notwithstanding this refusal, the Church entered on the inspection while the British and Foreign Society refused to do so. The hon. and learned Member for Liskeard had said, that the Church had no machinery for education, and that all she did in education was by means of voluntary bodies. Now, that the National Society was a voluntary body was strictly true; but still it contained in it by charter the whole Bench of Bishops. He (Mr. A.) had wished to abstain from alluding to what the Church had done during the last year, but he must be allowed to state, that by this machinery, diocesan boards of education had been established in sixteen dioceses, and in eighty subordinate districts, by its exertions in a single year, and he was happy to say, that among the supporters of those plans, were to be found many of the most intelligent members of the middle classes in this country, and he thought, that there would be found in the Church a machinery for the purposes of education superior to any which the Government could call into operation. He certainly was not without hopes that the people would find in their future happiness, as he was sure they did at least in their earthly comforts, that the Church had a machinery suitable for education, which she was doing her best to put in operation. The hon. Member for Lambeth had accused the Church of exclusiveness. As an answer to that charge, he would refer him to a parish in his own immediate neighbourhood, in order to show him how unjust were his taunts. He accused the Church of turning away the Dissenters from the benefit of her schools, but what was the fact. He need not go to any distance for proofs, he had only to cross the water from Lambeth to Westminster, and he would find in one parish, Sunday Schools containing twenty-two Roman Catholics and forty Dissenters, weekly and Infant Schools, containing forty-five Roman Catholics, and fifty Protestant Dissenters. He would repeat, that the Church was, by the Constitution, intrusted with the general superintendence of the education of the people, and he would affirm that it had not, either by neglect, or exclusiveness forfeited that trust. What then were the arguments in favour of the expediency of the principle of a State education? They might, perhaps, be told, that by taking the education of the people from the clergy of the Church, and placing it in a central board, security would be given for the permanency of education. He thought, that this was fallacious. Supposing the economists of the day should say, as Mr. Cobbett said, when Lord Althorp first proposed a grant for education, that they did not see the use of education, and refuse a vote of money on its behalf, they would at once take away all its support, and its permanency would be at an end. Much had been said of the advantage of uniformity, he believed that compulsory uniformity was a disadvantage, and that far more good would result from the emulation of voluntary exertion if properly encouraged. It was then urged, that a system of State education had succeeded in Prussia and in Holland. In Prussia there was no such thing as an united system of education of various sects—the Church was always intimately connected with the schools. The hon. Member quoted the assertion of some German professor to the fact, that the different religious bodies in Prussia have different schools. It was quite true, that in the Batavian republic, under French influence, all systems of religion were put on the same footing, and a system of education was devised in which all religious sects participated. But in Holland no one could teach a school without a licence, and that licence was extremely difficult to obtain; in England any one might teach. In Holland also there was no vent for religious animosities, which was not the case in this country. All these circumstances might tend to make such a system appear to succeed for Holland, though it might be very unfit for this country. But he knew, that this system had not given satisfaction in Holland. A sect called the "Separatists" had sprung up, who grounded their dissatisfaction on objections to the united system of education; because it taught no specific religion to the pupils; and he had been informed, that a member of the Government had resigned his situation in consequence of similar objections. He would quote the authority of Mr. Brougham in 1820, to prove the utility of placing education under the clergy. That now noble and learned Lord had then proposed a system of general education for the whole country; and he proposed that the Bishops should visit the schools by themselves, their archdeacons, or chancellors, and that appeals should be made to the metropolitan, and not to an educational board. This was the system recommended by Mr. Brougham, as calculated to promote a sound and useful education. The Church had never objected to the system introduced by the Government of Lord Grey, of granting aid to voluntary societies; but it could not acquiesce in the creation of a new body unknown to the Constitution, and with powers undefined. He would not enter into the specific plan proposed by the Committee of Council, because no clear conception could be formed at present of the measures which the Government intended ultimately to adopt. What he wished was, that the subject should be practically dealt with. If any class of her Majesty's subjects were excluded from the full benefits of education, let a plan be specifically brought forward to remedy that evil. Let it be clearly defined, and the discretion of the Government strictly limited as to the means of execution. In the meantime he contended, that the national Church was the only constitutional, authoritative educator of the people—that it trenched not on the liberties of any other class—and that substantially all restrictions upon education were removed. And he could not consent to any plan which would involve the establishment of schools, with the sanction of the State, under the direct superintendence of ministers of religious bodies, avowedly hostile to the Established Church, whether Roman Catholic, Unitarian, or Baptist, nor would he agree on any consideration to the permanent separation of secular from religious instruction, as the basis of a plan of national education.

Sir *S. Lushington* said, that the question under discussion in the form and manner in which it had been treated could no longer be regarded as of a fugitive character, or of a temporary interest. It had been discussed on great and important principles; and on these it should now alone be decided. He rejoiced that this discussion had taken place; and, for one, he thanked the noble Lord, the Member for North Lancashire for having brought forward his motion. He cordially thanked the noble Lord for having given the House an opportunity of discussing the question in all its bearings, and for affording the country the means of knowing whether it were to have a national education or no; and, if it were, in what form or shape was it to be offered? He also thanked the noble Lord for another and not less important result of his motion—he thanked him, because it gave the noble Lord, the Member for Dorsetshire, the opportunity of promulgating an opinion in which he cordially concurred, "that the education of the people was a point of the last importance, because it not only led to the suppression of crime, but was also most conducive to their happiness here and hereafter." He held that opinion in common with the noble Lord; but he remembered the day well, when the education of the people was laughed to scorn in that House—the day when it was seriously argued that innumerable mischiefs would accrue from it—when their intellectual education, in short, as contrasted with their physical, was scouted; but that day was gone by, and a new era had come, even on the showing of the noble Lord himself. If the noble Lord's opinions were well-founded, then it was the duty of the State to undertake the education of the people. If it was the duty of the State so to do, and the right of the people to claim education, as it clearly was, on the noble Lord's own showing, then on what principle of justice or expediency could the line of demarcation be drawn between one sect and between another? Who had conceded to hon. Gentlemen opposite the power to draw such a line? Who gave them a right to abandon that duty so clearly prescribed by themselves? But how stood the question? He only sought truth. He was deeply interested in the education of his large constituency as well as in that of the colonies. The noble Lord opposite had told the House, that the Church of England was against the plan of the Government, and that the Wesleyans were the same; in short, that they were supported by no one important sect in the country. But for that he did not care; if he stood alone he would assert what he conscientiously believed to be the truth. The noble Lord had stated that; but he believed it not to be a true representation of the case. A great diversity of opinion existed on the subject, and the apparent unanimity which prevailed for it was, in fact, only apparent—was in a great measure obtained by the vilest misrepresentations ever palmed upon the people of this country. When he saw paraded through the streets placards combining Popery and infidelity together, he felt fully entitled to call them most miserable clap-traps, and to assert, that the people of England were grossly imposed on. The two noble Lords differed in some essential particulars, but they agreed in one paramount point. The highest encomiums and greatest praise had been passed on one great and respectable body of religionists—the Wesleyan Methodists; and it was stated, that they were only slightly separated from the Church of England even by one of her right rev. Prelates; but those encomiums had been conveyed in stronger terms of praise on the present occasion, and with more of adulation, than he had ever heard them before adverted to in that House. He held that great body in the highest respect; but when he found them put forward as their own, sentiments inconsistent with reason and justice, he also held, that it was his duty to express his decided disapprobation of them. The paper which he held in his hand had been already quoted by the noble Lord opposite. This was their leading objection:—

> "Such a restriction appears to this meeting to be due to the yet unrepealed principles of our Protestant constitution, and necessary for the prevention of that direct violation of the rights of conscience which would be perpetrated, if Parliament were to sanction the taxation of the Protestants of England, for the establishment and support of Romish schools, in which the corrupt versions, and mischievous notes of the Romish Church would be made by authority, to a considerable extent, the basis of State instruction."

What was the meaning of that passage? It meant this or nothing: that the Protestants might take the money of the Roman Catholics, and apply it to the maintenance of the Protestant Church; but that, notwithstanding, the Catholic was to be denied the slightest participation in its advantages. Nay, what was ten thousand times worse, it stated that it was a direct violation of the conscience of Protestants to contribute to the support of these schools; and yet what allowance was made for the consciences of Roman Catholics? Had not the Roman Catholic the same feelings as the Protestant? Was there a shadow of right on the broad principle of toleration, to treat him in that manner? Nay, what was worse still, education was admitted to be essential to the happiness of the people of this country, here and hereafter, and yet the Roman Catholic and the Dissenter were excluded from its benefits by those who made that admission; and condemned the Catholics and Dissenters to the domination of perpetual ignorance, that fruitful parent of crime. But the deduction went further. If the principle were good for anything, it went the whole way with the argument. It made no exception to any one species of religion more than another. He sheltered himself under no ambiguity. He was right in his deduction, or he was wrong; but he held that in matters of religion no man should set himself up as a judge of others. A noble Lord had asked, and asked truly, "Can a Protestant of the Church of England ask what is truth?" He never could. He who belonged to the Church of England must be supposed to be convinced of the truth of its doctrine. But what right had he (Sir S. Lushington) to say that that which appeared to him to be true must necessarily appear to others to be true. If he were in a minority upon the present occasion, he should not despair of one day seeing his principles adopted and carried into execution. He had fought more hopeless battles in that House, and had lived to triumph. He would never despair in a good cause. It was impossible that he should speak with disrespect of the Established Church: he did not disavow its recent exertions in the cause of education. He thought that the Church had awakened from its long sleep, and was now really zealous in the cause of education; but he could not agree in the doctrine laid down by the hon. Gentleman opposite, that the Established Church in this country had a right to a control over the education of the people. Subsequent to the Reformation no traces could be found for centuries of any liberal enactment in favour of education. In James the First's reign it was necessary to have a licence to teach from the Bishop, and it was not till the time of George the 3rd, that the Dissenters were permitted to keep a school by the Act of Toleration. Mark the absurdity that existed meanwhile. The sovereign was giving the *Regium Donum* to Dissenting clergymen; the law ("the most blessed portion of the law," as the informed Lord Holt had termed it) stood in such an atrocious state that a Catholic priest was forbidden to teach a Catholic child under the penalty of perpetual imprisonment. Grammar schools were always retained under the special superintendence of the Church, because by their foundations they were specially so set apart, and were exempted as such from the effects of all statutes. He would never attempt to argue that the people of the Church of England should be withdrawn from the care of the Church of England. It would be committing the same sin of oppression that he condemned in others. As to the former plan of national education, it seemed that there was something in it so utterly irreconcilable to the feelings and principles of the people of England, that it was given up as totally untenable, but if he were in a situation to carry it into operation he would have no hesitation to uphold it with all his power. It was not merely insinuated, but stated in speeches and newspapers, and repeated all over the country, that the Government were intent on converting (under the guise of this system of combined education) the children of the Church of England into Papists and Socinians. Now, it had not been intended to interfere with any existing schools, whatever the press or individuals might assert. The original plan proposed a normal school and model school; and he asked any man acquainted with the existing system of instruction, whether such establishments were not much wanted, and whether the present system was not defective in the most essential parts? He thought the plan presented some most praiseworthy features; one was, that chaplains of the Church of England should attend to the education of the children, however small their numbers might be; yet it had been said that the education was promiscuous. That was not the case. The education was general and special. He put it to the noble Lord, to the House, and to the country, whether it was just to denounce the Government plan as leading to the introduction of popery and spread of infidelity, merely because it gave to the children of each religious class, to Churchmen, Catholics, and Dissenters, separate and adequate religious instruction, each at a separate time and totally apart from interference? The Government scheme had been exposed to the grossest misrepresentations upon this part of the question. It had been said that the Catholic version of the Bible was to be read by Protestant children, and that their infant minds would be corrupted by coming into early collision with papistical and other unsound religious opinions. Nothing could be more unjust or less in conformity with the principle and basis of the scheme. Other parts of the plan had been denounced by hon. Members as despotism and tyranny. Let them consider whether there were any grounds for such aspersions. One distinct feature of the plan was that of inspection. And the noble Lord the Member for North Lancashire had agreed that when the money of the State was to be given for education, the principle of inspection was not objectionable; and he believed that the noble Lord the Member for Dorsetshire, seemed to entertain an union of sentiment in that respect. Then, what objection to the appointment of inspectors by the Government? Was it meant to be said that the inspectors would interfere with the duties of the clergy of the Church of England? Nothing could be more unwarranted. He wished to make a single remark upon another point. It had been argued that the Church had shown great liberality by consenting to allow a portion of the public money to be given to the British and Foreign School Society. The Church had conceded so far. She had given way to that extent, although it was a departure from her principles. Why, he asked, did the Church give way a single step? But as the Church had yielded so far, where, he would ask, could it be shown in the constitutional history of the country that the British and Foreign School Society was to be the impenetrable line of demarcation? There were thousands of schools conducted on the mixed principles of the National School Society and the British and Foreign School Society, and would they exclude those other schools which were more favourable to the Church than the latter? He thought the executive might be safely left with discretionary power in that respect, and he had every confidence that the Government, whoever they might be, would administer the grant fairly and impartially for the public good. The hon. Member for Kilmarnock had talked of loose representations having been advanced as to the state of education in parts of the metropolis. He should like to know where he acquired his information? What gave him any pretence for such an assertion? The statements on that subject were the results of inquiry made by the central society for education under the directions of Mr. Fowell Buxton, and had been sifted for accuracy in three different ways. In the district of Spitalfields and in a circle of two miles there were 10,000 children destitute of every kind of education, and there were no means available by which their ignorance could be removed. He pressed this lamentable state of things upon the attention of the House, because destitution and ignorance here went together, and the evils of penury were aggravated by the entire want of education. The greater that such penury existed the more it was the duty of the House to apply the funds of the country to supply the deficiency; and one of the best features in the plan of the Government was, that it provided means of doing so, by giving the proposed board of education a discretionary power to appropriate part of the public grant in quarters where aid was most required from the poverty of the inhabitants. He was not afraid of defeat, but of this they might rest assured, that if the House should declare to the country that they have resolved to act upon a principle of exclusion—that they are determined to refuse essential aid to the education of the people in proportion to their contributions to the establishment, and to their wants and numbers, it would be taken as a declaration of hostility against the great body of the community, and could only be viewed as a determination to condemn them to a continuance in that deplorable state of ignorance which it was their bounden duty to remove.

Debate again adjourned.

HOUSE OF LORDS,

Thursday, June 20, 1839.

MINUTES.] Bills.—Read a first time:—Jamaica; Ecclesiastical Districts Assignment.—Read a third time. Borough Courts.

Petitions presented. By the Bishops of Gloucester, London, and Salisbury, the Earl of Winchilsea, and Lord Abinger, from several places, against, and by the Earl of Camperdown, from one place, in favour of the Government Plan for National Education.—By the Marquess of Lansdowne, from Troubridge, and Lord Lyndhurst, from a number of places, for a Uniform Penny Postage.—By Lord Lyndhurst, and the Bishop of Gloucester, from several places, against the Church Discipline Bill, and from Liverpool, for making the alterations in the Corporation Laws for Ireland inviolable.—By the Bishop of Salisbury, from several places, and the Duke of Richmond, from Banff, for Church Extension.—By the Bishop of London, from several places, for the better observance of the Sabbath.—By Lord Wharncliffe, from one place for facilitating Commercial Communication with Circassia.—By Lord Brougham, from Cambridge, for the Repeal of the Corn Laws, and for freedom of discussion.

WINDSOR CASTLE STABLES—CROWN LANDS.] On the motion that the Windsor Castle Stables Bill be read a second time,

Lord *Ashburton* thought the effect of this bill would be to deteriorate the property of the Crown, for it authorised the Commissioners of her Majesty's Woods and Forests to apply the sum of 70,000*l.* out of the revenues that had already arisen, or might hereafter arise, from the sale of portions of the lands of the Crown. Why, he would ask, should not the repairs be taken out of the actual revenue of the Crown, without alienating part of the Crown lands, which were the capital, and not the income? They might as well at once sell or alienate part of the Crown lands for the building or repair of Windsor Castle, as for the erection of these stables.

Viscount *Duncannon* said, the principle now acted upon was not a new one, for it had been acted upon for the last twenty years. In the improvements in the Strand, and in the rebuilding of Buckingham Palace, the greater portion of the expense of these had been defrayed by the produce of the sale of Crown property, that was part of the capital of the Crown estates.

The Earl of *Ripon* did not recollect, that any money arising out of the sale of land by the commissioners had been applied to the purposes mentioned by his noble Friend (Lord Duncannon); but, as the sums required for the purposes stated were very great, greater perhaps than the whole annual income of the Crown lands, it probably was so. What he wished to know from his noble Friend was, whether the annual income of the Crown estates was so charged with debts from former or present improvements of Crown property, as to be unable to bear this additional 70,000*l.* for the erection of stables at Windsor; and whether, in consequence, it had become necessary to raise the money by the sale of certain portions of Crown lands? If the proposed sum were to be taken out of the general revenue of the Crown lands, the objection of his noble Friend near him would not apply. The whole income of the Crown lands was about 240,000*l.* a-year. Was he to understand from his noble Friend (Lord Duncannon,) that this income was already so charged as to be unable to meet the expense of the stables at Windsor?

Viscount *Duncannon:* Debts to a very considerable amount had accrued on the revenue of the Crown for the improvements in the Strand, in the opening near Waterloo-Bridge, and in the alterations at Buckingham Palace. These, however, had now been all, or nearly all, paid off, and there was now a surplus revenue of about 140,000*l.*

The Earl of *Ripon* thought, that the expenses of the erection of the stables at Windsor ought to be paid out of that income, and not out of the produce of the sale of any part of the Crown lands.

Viscount *Duncannon* did not see why any lands should be sold for this particular purpose, but noble Lords should consider, that it did not follow, that because sales of some portions of Crown lands took place, there was, therefore, a deterioration of Crown property; for some portions were sold for the purpose of investing the produce in the purchase of other property, which was considered more advantageous, and some of those sales had produced great improvements in the Crown property; for instance, the purchase of some land at Pimlico, and the site for the stables at Windsor would be a considerable improvement to the Crown estates.

Lord *Ashburton* still could not see why the property of the Crown should be sold, while there existed an income from those lands sufficient for the expense required for the stables at Windsor. The Crown had only a life-interest in those estates, and nothing should be done to deteriorate their value.

Viscount *Duncannon* repeated, that the course pursued by the commissioners was one which went to improve the property of the Crown, by selling, as he had said, some portions for the purpose of purchasing others more advantageously situated. The Crown would not be a loser by this.

Bill read a second time.

HOUSE OF COMMONS,

Thursday, June 20, 1839.

MINUTES.] Bill.—Read a first time, Upper and Lower Canada Government.

Petitions presented. By Lords Lowther, Milton, Sirs W. Young, and R. Inglis, and Messrs. Dottin, Codrington, and Pakington, from a number of places, against the Government plan for National Education.—By Mr. Grote, from a number of places, in favour of the Government plan for National Education, from other places, for Vote by Ballot, and from the City of London, for a new settlement near the Cape of Good Hope.—By Messrs. Edwards, Hodges, J. O'Connell, Patteson, and others, from several places, for a Uniform Penny Postage.—By Lords R. Grosvenor, and Stanley, from two places, against Sunday Travelling.

EDUCATION—ADJOURNED DEBATE.] On the Order of the Day for the resumption of the adjourned debate on National Education,

Mr. *D'Israeli* said, that he was afraid, that after the speeches which had already been made in the course of this debate, he should have great difficulty in drawing the attention of the House to the consideration of this important question. He felt that the disadvantages under which he must always labour when addressing the House were increased in the present instance by his following in the train of those who had on both sides of the House treated this subject with singular temper and ability; but the great interest which he had always felt in this question, and the sincere conviction which he entertained that it must have a vast and incalculable influence on the character of the people, and indeed upon the prospects of the country, had induced, nay, had almost compelled, him to trespass upon the patience of the House. The hon. Member for Waterford, who he feared was not present, in the able and temperate speech in which he had discussed the subject, had laid it down as an indisputable proposition, that the only efficient settlement of this great question would be by placing the education of the people in the hands of the State by the means of what he termed central organization. The simple meaning of his speech, indeed, was, that education should be carried on under the superintendence, the interference, and the control, of the state. He admitted that the theory was specious, but he doubted whether it were authorised and supported by facts, and he doubted whether it were consonant with the experience of this country. He had found the assertion in the writings of the hon. Gentleman, and it had been disseminated in the papers of the society of which he was president, but when he came to examine into facts, he found that education did not owe much to the interference of the state. It appeared to him that the state had done little or nothing, and that nearly all that had been done had been effected by individual enterprise. It had been remarked, by a foreign writer, that the state in England had not formed a single road, made a single bridge, or dug a single canal. The statesmen who had preceded the present generation had always acted on a system diametrically opposed to that of the hon. Gentlemen opposite. They had always held that the individual should be strong, and the Government weak, and that to diminish the duties of the citizen was to peril the rights of the subject. To that system he ascribed the united enjoyment of those two great blessings of social life, liberty and order. He took it for granted that the hon. Member for Waterford was willing to do justice to the character of the people of this country. He was sure that he would candidly acknowledge their ability, their enterprise, and their calm steadiness of purpose. To what, then, he would ask, was this to be attributed, but to that happy system of self-government which had always characterized England? It became the House well to consider what might be the effect of interfering with the habit of self-government by the people of England. It appeared to him that the Society of Education, that school of philosophers, were, with all their vaunted intellect and learning, fast returning to the system of a barbarous age, the system of a paternal government. Wherever was found what was called a paternal government was found a state education. It had been discovered that the best way to insure implicit obedience was to commence tyranny in the nursery. There was a country in which education formed the only qualification for office. That was, therefore, a country which might be considered as a normal school and pattern society for the intended scheme of education. That country was China. These paternal governments were rather to be found in the east than in the west, and if the hon. Member for Waterford asked him for the most perfect programme of public education, if he asked him to point out a system at once the most profound and the most comprehensive, he must give him the system of education which obtained in Persia. Leaving China and Persia and coming to Europe, he found a perfect system of national education in Austria, the China of Europe, and under the paternal government of Prussia. The truth was, that wherever everything was left to the government the subject became a machine. He knew that the president of the Society of Education believed, that the highest central organization might yet be combined with the freeest political institutions; but it was an error to suppose that all virtue was owing to political institutions, and none to national character. He held it to be an indisputable truth that the freeest political institutions might exist in a country in which the people were enslaved. They might have a Parliament freely chosen, but if the electors were corrupt, that Parliament might exercise, as such a Parliament had exercised, a most grinding tyranny. He would take the instance of trial by jury, the great bulwark of our liberties, the great guarantee of our rights. Of what use would that great and glorious institution be if the twelve jurymen were base men?

There had been times when the trial by jury was an infinitely worse tribunal than in the darkest times of the Inquisition. We had trial by jury in the same age with Titus Oates. He would take a period, distant, yet not very remote—not the age of bigoted barbarians, by which name the hon. Member for Liskeard designated the councillors of the conqueror of Agincourt, but a period which produced men who were enlightened in every sense, men who might well be called English worthies; he would take the age which produced Pym and Hampden, Seldon and Wentworth; these were truly English spirits. Yet who could suppose, that the Parliament which had been adorned by such men could, in less than a quarter of a century, have sunk into the most degraded and most ignoble tyranny which ever sported with the destinies of a great country? But what had taken place in the mean time? The national spirit had been destroyed; a great system of central organization was established in the realm; the people had free institutions, but their rights as subjects were destroyed. He knew he should be told, that these observations were too general. He knew the reluctance with which Members went back to first principles. It was a wholesome prejudice; they were practical men, but practical men, looking to the experience of the last ten or twelve years. With respect to the state of education among the people of this country, there were many circumstances of a complicated character which must be taken into consideration before a decided opinion could be pronounced upon the subject; and they should recollect, that although the general state of education might not at present be all that they could desire, still that it might be as much advanced and improved in a quarter of a century as could possibly be effected by human means. But the question was not whether the state of education was good or bad, but to what power education should be intrusted. They were not called upon to decide whether education should be orthodox or latitudinarian, highly spiritual or purely moral, but to what hands it should be confided? He was an advocate for national education, but it did not follow that he should also be an advocate for state education. There was a great distinction between them. The object of the speech of the noble Lord, the Member for North Lancashire, seemed to him to be to point out the necessity for national education, and to show that it ought not to be intrusted to the state. The hon. and learned Member for Liskeard, whom he regretted not to see in his place, had detected a very covert meaning in the speech of the noble Lord, but he was sure that it must have required the exercise of all that diplomatic experience which the hon. and learned Gentleman had so recently acquired, to discover any sinister and subterraneous meaning in that speech. He could not discover that the speech of the hon. and learned Member himself had any thing to do with the question. He had listened to the hon. and learned Gentleman in the hope, if not of being instructed, of being at least amused, and he had often been both instructed and amused by him; but he could not discover what connexion the speech of the hon. and learned Gentleman had with the question before the House. He confessed he had been at a loss for some time to discover the object which the hon. and learned Gentleman had in view, until at last it had appeared that the hon. and learned Gentleman was desirous of combatting a "No Popery" cry. He trusted, however, that that cry would not be responded to, and he had such confidence in the tolerant spirit of the House, that he was sure the attempt of the hon. and learned Gentleman would not be allowed to disturb the calmness and moderation which had hitherto signalised the discussion of this most important subject. There was one point of great importance, but surrounded with the greatest difficulty, on which he wished to make a few observations. He alluded to the religious relations connected with this scheme for the establishment of a system of national education. The noble Lord, the Member for Dorsetshire, had laid it down, that the system of education which had been brought forward by the Government must, if it were adopted, terminate in a state of national infidelity. He did not share in the apprehensions of the noble Lord. He believed, that the minds of the people of this country were not prepared for the seeds of infidelity, and that all the feelings of the human heart were opposed to such scepticism. He believed it probable, that by the united efforts of sectarians, the national Church might be endangered; but he was sure, that in England, infidelity would not be the result, and that they would rather see re-produced a state of things similar to that which had arisen in the seventeenth century. In England he believed they were more likely to see the wildness of fanaticism than the rise of infidelity. He believed they were more likely to see in this country the violence for a moment of contending sects; that they were much more likely to behold the rise of a new race of fifth monarchy men; and that there was much more chance of having for the nonce the fury and violence of contending sects, as in the time of the Commonwealth, than the general spread of miserable, cold, and restless infidelity. The feelings of the people of this country were repugnant to infidelity, and although they might be led away for a moment from the faith of their fathers and from the church where they had been wont to congregate—although they might for a time yield to the influence of fanaticism and absent themselves from devotion, such a state of things would remain but for a moment, and they would soon again feel the necessity and long for the consolation of worship. That which was more likely to occur than general infidelity was, that when the moment of fanaticism and anarchy had passed away, the people of England would feel the want of that solace which religion alone afforded, and that they would require again some standard of faith and the establishment of some church distinguished by the learning and piety of its clergy and consecrated by charity. The question then was, to what church would they, in that moment, refer, with what church would they seek to connect themselves? The Church of England had been placed in the seventeenth century in a situation of much peril and difficulty by the Church of Rome. But the Church of Rome, that church which appealed so strongly to the imagination and to the reason of mankind, whose priests were so distinguished by their learning and eloquence, was no longer kept down by those restraints by which she was fettered in former days, and there was much more chance that that church would again rise predominant and supreme under the scheme of education advocated by the Central Board, and adopted by the Government, than that the inference which the noble Lord, the Member for Dorsetshire, had drawn should be realized. The church of Rome had the advantage of being able to appeal to unrivalled antiquity, and appealing also strongly to the feelings and imaginations of men, there was a much greater chance that an ignorant and distracted people would seek to escape from anarchy by uniting themselves to a church practising charity, and whose preachers were more able and eloquent than they had been in the troubled days which England had before witnessed. If unfortunately such a moment of confusion should arise, and should the people again seek a return to peace, they would in that hour revert to the church of their fathers, or to the Church of Rome. The choice of the people would, in such a period, be the Church of England, or the Roman Church, but they would not plunge into infidelity, which was abhorrent to their nature, and at variance with all the better feelings of the human heart. It might be asked, however, whether they ought, from fear of realizing such a state of things, to prevent the spread of education, and neglect the moral and religious instruction of the people? But the real question was, had education been so neglected as hon. Gentlemen opposite had wished them to suppose? The hon. Gentleman, the Member for Waterford had last night furnished them with a picture of cellar life in the great manufacturing towns, and had described the people inhabiting those cellars as being in a state of semi-barbarity, and as being ignorant almost to the verge of brutality. The hon. Gentleman had inferred the neglect of education from the condition of those unfortunate persons; but was that inference correct? No: their condition in those cellars was not the consequence of neglect of education, but it resulted from the peculiar circumstances which, in every manufacturing country, arose out of the vicissitudes to which trade was subject. But when the hon. Gentleman portrayed the condition of those people, he had forgotten to make any allusion to the cellar schools; he had not thought proper to call the attention of the House to the fact, that in those cellars schools had been established, although for their own purposes, the society over which the hon. Gentleman presided had, on more than one occasion, brought those schools before the notice of the public. They had seen described one of those cellar schools in Manchester, and the picture which had been presented to them had been held out as an instance of the miserable want of instruction which prevailed in the manufacturing towns, and as a proof of the necessity for a system of state education. But from those schools he drew a very different inference. He looked on the existence of those cellar schools as an evidence that the seeds of education had been widely sown, and that they would speedily fructify and become general. It was a fact, which none could have anticipated fifty or even twenty-five years ago, that in the cellars of Manchester schools should have been established, and that fact, so far from showing that education had been neglected by the Church, indicated in the clearest and most satisfactory manner, that a strong and unconquerable desire for education had been infused into the minds of the people, while it proved almost to demonstration, that the seed which had been so widely sown, would soon spring up to maturity. The hon. Gentleman, the Member for Waterford, had said that the Church had been tried and found wanting, but why had not the hon. Gentleman taken any notice of the arguments which had been adduced, to prove the failings of the state? The arguments brought forward against the Church told as strongly against the State. If the Church had done nothing, what, he would ask, had the State done for the education of the people? The hon. Gentleman, when he left the manufacturing towns, had taken them next into the rural districts, and had detailed to them, as an instance of the neglect of education by the clergy, the outbreak which had occurred in the county of Kent fifteen months ago. Now, if he had been called upon to adduce an instance in favour of parochial supervision, and of the excellence of the Church as a vehicle of instruction, he would have gone to the very place which had been mentioned by the hon. Gentleman, in order to prove the value of the efforts of the clergy for the improvement of the moral and spiritual condition of the people. It was a remarkable fact, that the spot where the outbreak had taken place was extraparochial; and from his own knowledge he could state—for the scene of the unfortunate occurrence was in the vicinity of the town which he had the honour to represent—that the people were in a condition little removed from barbarism. It was a wild woodland district, peopled by inhabitants in the rudest state of society, wild in their manners, unsocial in their bearing, setting the law at defiance, and so deeply ignorant, as to be only entitled to be considered as a species of squatters. Such places were not common in Kent, but they might, notwithstanding, find districts of a similar character, in almost every county of England. Now, such was the place which had so often been described as the garden of England—as a rich luxuriant rectory, whose incumbents slumbered at their ease, regardless of those intrusted to their care. He did not say, that the hon. Gentleman, the Member for Waterford, was cognizant of the real facts of the case, and he had only alluded to the subject; to show how carelessly, and with how little knowledge of the truth, statements might be and often were made, and how what was advanced as facts in illustration of any position, might be made the basis of a contrary argument. He believed the great object which every English statesman ought to have in view was, to encourage the habit of self-government amongst the people; and it was because he considered the proposition which had been submitted to their consideration as hostile to the acquisition of those habits that he opposed the scheme of the noble Lord. He believed that it was an axiom in civil policy, that in exact proportion as they curtailed the duties of citizens, they perilled the rights of subjects, and he believed that they had done that already to some extent. They already had had recourse to a system of central organization, and what had that system not produced, and what might it not yet produce? Let them remember, that the same system which tyrannized in the nursery, under the pretence of education, would again make its appearance, and immure old age within hated walls, under the specious plea of affording relief. It was always the State, and never society—it was always machinery, never sympathy. By their system of State education, all would be thrown into the same mint, and all would come out with the same impress and superscription. They might make money, they might make railroads; but when the age of passion came, when those interests were in motion, and those feelings stirring, which would shake society to its centre, then they would see what would become of the votaries of State education. They would then see whether the people had received the same sort of education which had been advocated and supported so nobly by William of Wykeham—by him who had built schools and founded and endowed colleges. Who, he would ask, had built their universities? Had they sprung from a system of central organization? Who had built their colleges, churches, and cathedrals? Did they owe them to a scheme of centralization propounded and supported by the State? No; other principles had actuated the men of former days, and let them look abroad on England and witness the result. Where would they find a country more elevated in the social scale? Where a people more distinguished for all that was excellent in the human character? The time would come, if they persisted in their present course, when they would find that they had revolutionized the English character, and when that was effected, then they could no longer expect English achievements. For these reasons, and because he believed that the system of education which the proposition of the noble Lord went to establish, was alien to the habits and contrary to the genius of the people of this country, he should oppose, to the utmost of his power, this rash attempt to centralize instruction. But, independent of these reasons, he objected to the form in which the proposition made by the noble Lord had been brought before them. The subject was one of the gravest interest, leading, if adopted, to a great and important change; and he would ask, was it decorous on a matter of such moment not to consult both branches of the Legislature? Was that House so superior in wisdom and knowledge—so intimately acquainted with the state of the country—with the feelings, the wants, and the wishes of the people, as to enable them to scorn the learning, the experience, the information, and the patriotism of the House of Lords! He would make no invidious comparisons, but the Constitution had told him that the Lords and Commons were alike to be consulted in every change affecting the welfare and happiness of the people and the peace and prosperity of the country. On matters of minor importance he did not contend for an appeal to both branches of the Legislature, but when the subject was one which had shaken and agitated society to its centre, and which had roused the passions of the people throughout the country, he must confess he was surprised that a proposition of such magnitude and importance should have been brought forward almost at the close of the Session, and in the languid months of summer. And how, too, had it been brought forward? Not directly, as it ought to have been, but indirectly, between a vote for the building of palace stables and a proposition for establishing a system of penny postage. Such was not the way in which a great national experiment ought to have been introduced to the consideration of the Legislature. Then, again, it was said that this had been made a party question. He allowed that it was extremely desirable that a subject of this character, and of such great importance, should not be dealt with as a party question, but the fault of its having been so considered rested with those who had made it a stalking-horse for party purposes, and who had brought it forward in a party spirit. If the discussion had assumed a party aspect, the fault was to be ascribed to the Government, who had solicited support for their proposition from party considerations. This question had not been brought forward in a manner worthy of the Government of a great country. They ought to have come to the discussion of this proposition in a spirit of calmness and moderation, but that had been rendered impossible by the conduct of the Government and those who supported it. They had placed the country in a state of provisional insurrection, and was it possible that their minds could be calm in the midst of the agitation which surrounded them? They had seen the other day a document brought to the House unparalleled in the history of Parliament, and that document had so frightened them, that they had broken through the rules of the House, and allowed the hon. Gentleman who presented it to expatiate on the prayer of the petitioners. If they had not been frightened, would hon. Gentlemen opposite tell him why they had not done their duty, and enforced the rules of the House? The petition of upwards of a million of the people was not to be despised; and although hon. Gentlemen opposite might disapprove the prayer of the petitioners, yet let them remember that they were that night to decide upon the education of those by whom it had been signed. When, then, such was the grave and important issue which they had to decide, it certainly did not become them to act in the spirit of the Government, who had brought forward this proposition, and to allow the discussion to degenerate into a mere party squabble. [*Cries of* "*No,*" *from the Ministerial benches.*] Well, then, let Gentlemen opposite who dissented from him in opinion vindicate the conduct of the Government, and prove that the manner in which this proposition had been submitted to their consideration had not been influenced by party considerations.

Mr. *Ewart* said, that the arguments of the hon. Gentleman who had just sat down, if they were good for anything, went to restore society to a state of savage barbarity. The hon. Gentleman had gone so far as to express a qualified opinion in favour of the condition of the unfortunate persons inhabiting the cellars of Manchester. These people were in a state of almost barbarian ignorance; and yet the hon. Gentleman had said that they were actuated by the sincerest desire for that education, which he, notwithstanding, refused to extend to them. The hon. Gentleman had certainly thrown out some very ingenious arguments in praise of ignorance, and had contended, that every person ought to be left to himself to procure education. That was a new doctrine. Would the hon. Gentleman deny that a system of centralization had before existed in England? What did the hon. Gentleman say of their universities? Did they not afford an instance of the system of centralization? Let him look at the inscriptions on their ancient walls, and then say what inference he could draw from those inscriptions, if it was not that their founders intended to establish a central system of education? The hon. Gentleman had spoken of railways, but did it follow that though the formation of railways should be left to speculators, education should also be left without the aid or interference of the State? Did not the hon. Gentleman admit that it was necessary to centralize justice, and by a parity of reasoning was it not as necessary to centralize education? The hon. Gentleman had alluded to China, and had said that in that country a centralized system of education had for long existed, and that the officers of the Government were promoted for their educational attainments. But was that an evil? On the contrary, he believed that by such a system democracy had found a vent, and the country been saved from those convulsions which had distracted the kingdoms of Europe. The same system had been adopted in Prussia, and he believed that it would one day be adopted also in England, and that day, come when it might, would be a happy day for the people. All the objections which had been urged against the proposition of the Government resolved themselves into two classes. The first class of objections was directed against the Board of Education which it was proposed to establish. The noble Lord the Member for North Lancashire, had asserted that this board would be an irresponsible and despotic body. But how could it be despotic, when it was subject to the supervision of Parliament? and how could it be called irresponsible, when its proceedings were annually to be brought under the consideration of that House? The system of inspection was already applied to prisons, and why not to schools? Surely no objection could be seriously urged against placing the schools under a vigilant system of inspection. The noble Lord the Member for North Lancashire had quoted many obsolete authorities in support of his particular views, and he had said, that education was *chose espirituelle*, meaning thereby that it was *chose ecclesiastique*. The object of the noble Lord had been to show, not that education was a thing connected with religion, so much as it was that it was a thing connected with the sectarianism of his own church, and therefore it was that the noble Lord had brought forward the dogmas of the church, such as the baptism of infants and the doctrine of the holy eucharist, and other matters which were peculiar to that church. The system of combined education without religious distinctions had been tried in Liverpool and had succeeded. He would not trouble the House with complicated statistics on this point, but he would refer to the statements of a converted opponent to this scheme, who had watched its progress in Liverpool amongst a population of 200,000 persons. There were two great schools established in Liverpool under this system. The first was at the north end of the town, which was visited by the gentleman in question, and he put various questions to the master, who informed him that he was an Independent, and that he had two assistants, one of whom was a member of the Church of

England, and the other a Roman Catholic. The number of children was nearly 500, and consisted of different religious denominations, including the children of members of the Church of England, Methodists, Baptists, Independents, Presbyterians, and Roman Catholics. The result of the observations of this gentleman was so satisfactory to his own mind, that from being an opponent he became a friend to the system; and although the orthodox party at first raised an outcry against it, subsequently the people were convinced that it was a most advantageous plan, and a general conviction prevailed that schools opened for all sects were public benefits. In the south end of the town the school was conducted by a master who was a member of the church of Scotland, with two assistants, one of whom was an Independent, and the other a member of the Church of England. The gentleman from whose statements he quoted found the schools going on well. The number of children under instruction in it, and the denominations, were as follow:—Of the Church of England 294; Roman Catholics, 325; church of Scotland, twelve; Independents, fifteen, Baptists, twenty; and Methodists, forty-eight. Facts, then, proved the administration of education under a combined system to be quite practicable. He believed that the object of the noble Lord was to maintain the ascendancy of the State Church. But he would tell the noble Lord, and he did not care who knew it, that he was determined in matters of education to maintain the ascendancy of the State over the church. He thought the time would come when that would be found to be the most constitutional doctrine, and one which it would be impossible to gainsay without taking away the very bulwarks and foundation of our freedom. It was only by giving the State the opportunity of educating the people, and of throwing open the public institutions of the country for their benefit, that they could become universally instructed. The public libraries, the public galleries of art and science, and other public institutions for promoting knowledge, should be thrown open for the purpose of inducing men merely by the use of their outward senses to refine their habits, and to elevate their minds. Although something of this kind had been accomplished, much remained to be done. There remained to be achieved the complete education of the outward man, and he did not despair of its accomplishment any more than he did of the education of the inward man, notwithstanding the futile opposition of the present day. He hoped to see the time when there should be a system established for combining physical, intellectual, and religious education; and he thought the day was not distant when hon. Members opposite would regret the part they had taken on the present occasion. Of this he was sure, that whether or not the friends of popular education succeeded in reclaiming or converting hon. Gentlemen opposite, the adoption of such a system would be the glory of the age, and whatever might be the futurity of the present reign, the origin of this scheme of national education would be one of the brightest objects that distinguished and adorned its dawn.

Mr. *Plumptre* objected to a subject of this importance being decided without the concurrence of both Houses of Parliament, for if ever there was a question which required the grave consideration of both branches of the Legislature it was that of national education. He was convinced that a Board of Education such as that proposed could never give satisfaction to the people of this country; in fact, neither the members of the Established Church nor orthodox Dissenters could see in that Board any security that the education of the people would be carried out upon those principles which they deemed to be of paramount importance. He conceived that the Members of the Privy Council would be unfit persons to discharge duties of so grave a nature, more especially when one of their number had declared in another place that he saw no great difference between the tenets of the Protestant and the Roman Catholic Churches. He denied that because Roman Catholics and Socinians were called on to contribute to the revenues of the State, the Government was bound to encourage them in their varieties of opinions, religious and political. The proposition, if yielded, would open the door to the wildest anarchy on political, and to the wildest errors in religious matters. Much had been said by hon. Members opposite of Gentlemen on his side of the House presuming to judge others, and he must say, that those remarks came with but an ill grace from hon. Members who could impute motives such as had been charged in the course of last night's debate to the opponents of the Government scheme of national education. Every man had a right to form his own judgment upon the question, but no man had a right to impute motives. He, for one, never could think of placing the blaspheming Jew, the idolatrous Romanist, the Unitarian denying his Christ, or the sensual Turk, on the same level as the humble and adoring believer of the Son of God, and, therefore, he must give his sincere and cordial opposition to the scheme proposed to Parliament by her Majesty's present advisers.

Sir *G. Staunton* was anxious to explain in a few words the vote which it was his intention to give on the present occasion. He could bear with perfect resignation any taunt or obloquy which might attach to the course of conduct he purposed to pursue. He might truly say, that he had always been a warm friend to religious education, and had ever been desirous that it should be extended to every class and denomination in the country; nor had he ever felt it to be inconsistent with his religious duty to contribute as a private individual what assistance he could to the Roman Catholics and Dissenters for the promotion of those objects, for he had felt, that he ought not to suffer his attachment to his own peculiar religious faith to make him forget that those classes were linked and joined together by their common Christianity. With these views he had cordially supported the foundation of the London University, because it afforded to Dissenters the highest education, and enabled the Legislature to leave Oxford and Cambridge intact and unaltered. He gave her Majesty's Government every credit for coming forward with a plan of national education, but still the plan proposed differed to a great extent from the mode of education now pursued by the Established Church—it placed the direction and superintendence in a lay and political Board, upon which no member of the Church was to sit, and he could not think that conformists and non-conformists could be safely educated together. He regretted that the matter had been taken up as a party question, but for himself he would say, that though approving generally of the policy of her Majesty's Government, and being ready on political questions to surrender his private feelings, still on a question of religion he could not consent to any compromise, and, therefore, with pain he should be obliged to vote in favour of the amendment.

Mr. *Gibson* said, that the hon. Baronet opposite, when he observed that on the Committee of the Privy Council there was no member of the Church seemed to draw a very singular distinction between the Church and the clergy. The articles told him (Mr. Gibson) that the Church consisted of the congregation of the faithful, and he could not bring himself to suppose that four members of the Church, for such he believed were the four Members of the Privy Council Committee would be hostile to the Church because they were not clergymen. He must also protest against one doctrine laid down by the noble Lord the Member for North Lancashire—that the schoolmaster of the Churchman's children, ought, in regard to their religious education, to be under the regulation of the ordinary. From this principle he wholly differed. He thought the present duties of the ordinary were quite enough; and, in the present state of religious feeling throughout the country, he would as soon think of putting the ordinary under the schoolmaster as the schoolmaster under the ordinary. He was of opinion that the schoolmaster should, in all matters relating to the secular education of the children, be quite independent of all Church influence, even though the children should be Churchmen's children. In these days, when so many sects were springing up, even in the Church itself—when they heard daily of Evangelists, of Puseyites, and of those whom the former chose to designate as world-seeking Churchmen—the office of the schoolmaster would be liable to be interfered with in the most unpleasant manner by the clergyman of the parish. The doctrine which the noble Lord attempted to set up sounded very like infallibility; and he could tell the noble Lord that if once infallibility were set up as the guide for the people of England, it was very doubtful whether they would not take the infallibility of Rome in preference to the infallibility of Oxford. For, be it remembered, the infallibility of Oxford was of comparatively recent date, while that of Rome had at least prescription in its favour. The hon. Gentleman the Member for Somersetshire had also propounded what he was compelled to differ from. The hon. Member had stated, that the working classes of this country were dissatisfied, because there was not enough of religious education for their children in the various schools established by the Societies. His own experience did not by any means confirm that statement. On the contrary, to his knowledge, the working men complained that in these national schools nothing but religion was taught. They said, "Why cannot we teach our children religion ourselves, or send them to Church on Sundays, and send them to these schools to learn something that will be useful in this world, such as reading, writing, and arithmetic?" So far from useful practical knowledge being conveyed, nothing was taught at those schools but strange outlandish texts from the Old Testament, nothing that could be of use either in this world or the next. They were not taught their duties to God and man — to be honest and lowly and forbearing; they were not taught their duty to their neighbour; but they were taught a good deal about Moab, and the names of mountains in the Old and New Testament, and about the offices of angels. In fact, a variety of knowledge was conveyed to those children on subjects upon which, if similar questions were put to the hon. Baronet the Member for the University of Oxford himself, he very believed that the hon. Baronet would be unable to reply to them. But he really must say that he thought all such questions as these quite foreign to the functions of that House. The hon. Gentleman the Member for Somersetshire had very judiciously observed, that he thought that House a very unfit place for theological controversy. In this sentiment he entirely concurred. He wished the House could see that they had to look to the maintenance of man's civil rights without reference to his religious opinions; that they ought to look at the subjects of this country as men, and not as separated into different sects. But at the same time he did not see how the hon. Gentleman could reconcile his declared opinion with the course he had taken on this question; because if that House assumed the right to interfere with the religious opinions of men, how could they avoid theological discussions? Such discussions might be all very well in proper places; but when he was called upon in the House of Commons to give his assent to a system of national education, to be paid for out of the public purse, he felt himself bound to see that neither the Established Church, nor any other religious society whatever, were enabled to put upon the grant of the House any restrictions which might have the effect of excluding any person from the civil advantages of secular knowledge. He understood liberty of education to mean that it should be open to all sects—to the Roman Catholic, to the Unitarian, to the Jew, or to any other class of British subjects. He held the meaning of liberty of education to be, that any man should have the right to send his child to the National School, to avail himself of those civil advantages which were placed within his reach by the civil Government of his country, and to have his child taught such peculiar religious tenets as he might think right, of course provided the exercise of such a privilege involved no interference with the rights of others. Unless religion were separated from secular instruction it would not be possible to make education general. Each man might wish to have both combined for the instruction of children; but it was clear to him that they must be separated in the national schools, if it were intended that they should be general. If each class were anxious to give religious instruction let them do so; but do not let them interfere with the secular teaching that was to be conferred in these schools. This, in his mind, was liberty of education. The noble Lord the Member for North Lancashire, however, said virtually by the course that he proposed to pursue—"Let us set up a monopoly for the Church, and the Dissenters if they pleased might set up another." He, therefore, said that the education which the noble Lord proposed was not liberty of education, but liberty to set up two monopolies of education. But this was not the system from which British subjects could derive corresponding advantages as from a general plan, under which there would be liberty of education. The hon. Gentleman who spoke last alluded to the general instruction that was prepared to be given in the normal school, spoken of in the first Minute of the Privy Council on this subject. He was aware that there were many objections to this general religious instruction that was referred to in this document; but the objections to it were not, that it did not teach religion, but that it did not involve instruction in sectarianism. Most impartial men believed that there was a very wide neutral ground in the Christian religion, involving all the main principles of Christianity, and instruction in them might be considered as general religious instruction. Every man, however, must be aware that all sects seemed to be anxious for the promulgation of their differences in their peculiar religious doctrines. Instead, therefore, of Christian ministers drawing attention to the important points on which they agreed, they always directed it to the differences that existed. That distinguished philosopher, Mr. Locke, said, that sectarian teachers always endeavoured to persuade their followers that the maintenance of every doctrine of the sect was of essential importance, and by this means they lost sight of the great and numerous points of agreement. He admitted, that it was a dangerous experiment to propose to maintain religious instruction in the national schools, for by this means they had raised a religious outcry throughout the country against their plan! There was a very appropriate expression on this point, which had been used by a certain reverend pamphleteer, who applied the term, "foolometer" in reference to the proposal to teach the general doctrines of the Church in their schools. He had been much surprised to find that a man of such high character and attainments as Lord Abinger should have used language which went to the extent of declaring that they should not give instruction to persons who were not members of the establishment. He repeated, this had much surprised him, as coming from one who was a judge of the land, and who went to the extent of asserting, that if they could not give them instruction in the doctrines of the church, they should not communicate to them any knowledge at all. He recollected when Lord Abinger was engaged in a controversy with Mr. Cunningham, of Harrow, and from what then took place he had thought that such an impression had been made on the noble Lord as to make him aware of the difficulties naturally attendant on getting into a controversy on general points. He should have thought that the noble and learned Lord would have stated that it would be unwise to take up matters of difference on general grounds. He did not think that any case had been made out to justify them in calling upon the Government completely to rescind the order in council. It was probable that the chief objection was directed against those who were nominated on the committee to superintend the carrying out the plan; but it appeared to him to be composed of four gentlemen, as competent as any others to carry into effect a general system of education. He might be told that they were four Whigs, and no doubt this was a strong objection in the minds of many; but believing as he did that they were as competent as any others that could be nominated, and finding them also all members of the Church, he did not object to their appointment; and he confessed that he did not understand the grounds of the outcry that had been raised against them. He thought, therefore, that no case had been made out to justify such a very hostile proposition as that of the noble Lord the Member for North Lancashire. Although he had been supported and elected as a Conservative, he had always declared to his constituents that he should always support any plan of education on the principles of religious liberty. He could agree to a general system of education on no other principle that he had heard propounded, unless indeed that in the schools they established they consented to sever religious from secular instruction, and allowed all those who desired it to absent themselves during the periods of religious instruction. By this means they would allow Jews and Roman Catholics, and other sects, the full benefit of secular instruction, without forcing upon them instruction in any peculiar religious doctrines or points. He protested against the doctrines laid down, by the noble Lord the Member for North Lancashire, and for the illustration of which he went back to the dark ages, and quoted a writer of the reign of Henry 4th, and endeavoured to support his opinions by the authority of Chief Justice Holt. He referred to the Church, as if the church had the sole and exclusive right to take possession of the minds of the children in this realm, and as if it was entitled to the monopoly of education. He could not agree to such a doctrine, nor could he conceive on what grounds they talked of the children of the church. Did he recollect the opinion of Mr. Locke on this subject, who said children could not properly be called members of the

Church if they had not formed opinions on its doctrines; unless, indeed, they belonged to the Church by descent, as lands might belong to them by descent. Such a principle as this had not been broached since the period of the Reformation; and he could not help observing that it appeared to him that in the anxiety to put forward objections to the Catholics, they completely forgot and lost sight of the principles of the Reformation. It seemed as if they set up and manifested more strongly their hatred to Popery in proportion as they approached to it. It was the feeling and opinion of some philosophers that religious sects hated each other the more in proportion as they approached to each other. He repeated that he did not like the proposal to mix up secular instruction, with religious instruction, and he confessed that he did not see how religion could be mixed up with it. When religion was taught, it should be by those who devoted themselves to it, and not merely by mixing it up with secular instruction. What necessity was there for them to mix up religious instruction with the teaching of arithmetic or other similar matters? He had little doubt but that in some of the schools that had been so much alluded to as imparting religious instruction, that in the minds of the children they would find the teaching of multiplication mixed up with the doctrine of justification by faith. He contended that this was not an extravagant opinion. He had seen some of the effects of mixing up religious instruction in many schools, and he was satisfied that no attempt of the kind could answer the expectations that were entertained on the subject. He had seen, for instance, an attempt made to impart religious instruction with imparting a knowledge of the alphabet, and it began as follows:—

> "A stands for Angel, who praises the Lord;
> B stands for Bible, that teaches God's word;
> C stands for Church, to which righteous men go;
> D stands for Devil, the cause of all woe."

This was an admirable specimen of an attempt to promote this kind of combined education. He would not trespass further on the attention of the House, but would merely add that he should vote against the motion of the noble Lord.

Sir *Harry Verney* thought that the proposition of the noble Lord, the Member for North Lancashire, was a most unfair mode of attacking the Government plan of education. Nothing in his mind was so unfair as this proceeding in the proposing the general plan of education, and endeavouring to excite an outcry that the object in view was to make an attack on the Church. If the object of this plan was to make any attack on the Church, it would have met with his most strenuous resistance; but he denied that this was the case, or that there was anything in it that could justify such an imputation. For his own part, he thought that the plan of education now proposed was not sufficiently extensive; but he trusted that some further measure would be brought forward with as little delay as possible, for the general extension of education. He believed that it would be found to be a matter of the utmost difficulty to induce the population of this country to attend their schools, if they believed that they were to be exclusive schools. If a school was founded in every parish in the country, and placed under the direction of the clergyman, he did not believe that the children of Dissenters would be sent to these schools; on the contrary, they would be regarded with the greatest jealousy. He spoke from experience on this point, and regretted that this was the case; but it would be most objectionable to conceal or disguise the truth on the subject. He trusted that the Government would not be induced by any consideration to give up that part of the plan which related to the superintendence of the schools, which in his mind was one of the best features of the system. There was at present very large masses of the population in the lowest state of ignorance, and in a condition most dangerous to society; and, therefore, he thought that the Government deserved the sincere thanks of all friends to improvement for the attempts they were making to remedy the evils which existed, and which, if not timely prevented from increasing, might be attended with fatal consequences to the welfare of this country. He had watched the proceedings that had taken place on this subject with some degree of jealousy, and he saw nothing which could justify any alarm in the minds of the most zealous friends of the Church, and, under these circumstances, he felt it to be his duty to give the proposal of the Government his cordial support.

Mr. *Gally Knight* addressed the House

in the following terms:—Sir, I certainly do not rise to reply to the hon. Baronet who has just sat down, because I am happy to find that, on the present occasion, we entirely coincide, and he must permit me to say, that it does him great credit to have shewn himself superior to party considerations on a question like the present.—I must begin with complaining of the disingenuous manner in which the country has been treated by the announcement of the abandonment of the ministerial plan—for, in consequence, the belief obtained, that the plan was really and altogether abandoned. A petition which I presented to-day had been kept back, under the idea that there was no longer any necessity for petitioning, and only just arrived in time. I am far from meaning to say, that it was the intention of the Government to take the country by surprise; but their mode of proceeding has had that effect; and I am convinced that the more generally the scheme is known, the more strongly will it be opposed. I must say that the argument has not been hitherto very fairly conducted. Gentlemen opposite argue the question as if we, on this side, were opposed to national education—but I do think that the great exertions which, during the last year, have been made all over the kingdom, to promote education, might have exempted us from this charge, and saved us from half the speech and all the taunts of the right hon. and learned civilian who addressed the House last night. We are not opposed to national education, but to the manner in which the Government propose to impart it; we are not opposed to education, but to the ministerial plan. Sir, I think the hon. Member for Lambeth put the question on much fairer grounds, and I admired the manliness and candour with which he avowed the truth. He said, frankly and openly, that the present is a struggle between the Church and the Dissenters; and he added, that as long as the Government brought forward such measures as the ministerial plan, they would be justly entitled to the support of the Radicals. It must be evident to all mankind that the ministerial plan is a sop to the Dissenters. But are the Dissenters in a situation to justify their undertaking a struggle with the Church? What proportion do the Dissenters bear to the Church of Englanders? In England and Wales, including the Wesleyans and Catholics, the Dissenters do not much exceed two millions; whilst the population of England and Wales is computed now to amount to nearly sixteen millions. The Dissenters are, therefore, in a minority of nearly 8 to 1. With what justice, then, can they demand that the Church should be despoiled of her pre-eminence in their favour? Why is the importance of Dissent to be exaggerated, and the extent of its claims to be unduly magnified? With what justice can the Dissenters claim the equality to which they pretend—equality, whether as relates to their share of the grant, or to their position? Sir, if the normal school had been persevered in, there would have been equality with a vengeance—for it would have had the effect of placing the Church of England on a level with the Church of Johanna Southcote—and it would, at the same time, have combined, in the same place, a mixture and jumble of doctrines that would have led to no satisfactory result; for we must recollect that the case of England is not the case of Ireland, where, practically, you have to deal, in the schools, with only two denominations of belief. In England, unfortunately, there is a vast variety of Dissenters, any and all of whom might have claimed special religious instruction—and whether the children upon whom the training masters were to practise might have been, at the hour of specific instruction, placed in pens or closets, the effect would still have been that of a spiritual Dutch concert. Sir, only figure to yourself the ministers of the different denominations walking into the school at the time for specific instruction! Catholics and Presbyterians — Socinians and ministers of the Church of England—side by side—and, if the recommendation of the hon. Member for Lambeth had been attended to, the bearded Rabbi would have been seen amongst the number. Then, to make the thing complete, there must have been a little holy water for the Catholics, in one place, and a bath for plenary immersion, for the Anabaptists, in another. It would have been, to be sure, the very perfection of modern liberality. It would have been, in the words of the poet, "Reason, philosophy; peace, and fraternity; higgledy, piggledy." But, from it must have resulted, that the children would have acquired the impression that it was a matter of great indifference to which denomination a human creature belonged—Protestant or Catholic—Christian or Jew—no matter, and when adult, they would have too frequently ended by belonging to no religion at all. Well! the present plan is a Board! A Board of four Members of the Government, with *carte blanche* plenary power, both as regards the money and the regulations—a Board composed exclusively of laymen—and party men. Is not this telling the people of England that the Clergy are wholly unfit to take any share in their education? Is not this running the risk of the partial distribution of the means by which education is to be encouraged—as well as of the introduction of rules and regulations which might be objectionable. Is not every Government disposed, and compelled to consider its supporters? Would not such a Board be likely to give the larger share to its own followers?—and, as the present Government depend so much on the support of the Dissenters, could we expect that the Church of England schools would be allowed a fair chance? Such a Board would be dependent and fluctuating, whereas it should be independent and permanent. If there is to be any Board at all, it should be a mixed Board of laymen and ecclesiastics, and so constituted as not to be liable to frequent change; and it would be sufficiently checked by the superintendence of Parliament, and the annual nature of the grant. But, under all the difficulties of the case, I am disposed to think that the best way would be to distribute the grant through the channel of the two Societies, of whom the noble Lord, the Secretary for Ireland, spoke in terms of such high respect, that he could not, I am sure, feel any reluctance in reposing the trust in their hands. This plan has now been acted upon for some time, and has given satisfaction. Why, therefore, insist upon changing it? Why will you leave nothing alone? Let us educate the people, but not pull down the Church—not disregard the expressed voice of public opinion, not outrage the feelings of the great majority.

Sir *R. Inglis* would begin by saying a few words with regard to what fell from the hon. Member for Ipswich, whom he did not see in his place, but in another place from which the speech of that hon. Member would have come with more propriety. [Mr. Gibson had crossed over, and was sitting on the Ministerial side of the House.] It was from that quarter that had proceeded those loud and long cheers with which the hon. Member had been greeted, and which must have been very gratifying to him, especially when he saw how vehement a part was taken in them by the hon. and learned Member for Dublin. The hon. Member for Ipswich had alluded so pointedly to him, that he regretted a moment's interval should have elapsed before he rose to reply to that hon. Member, and to the charges of ignorance which the hon. Member had permitted himself to bring against him, and the Church to which the hon. Member himself belonged. The rhymes quoted by the hon. Member were lines commonly used in infant schools, and perhaps were as well adapted as any others that could be chosen to the capacities of children of the age at which they were usually sent to those schools. With respect to certain doctrines which the hon. Member had charged the University of Oxford with holding, he would not enter into the question whether such doctrines were well-founded or not, nor into the question whether the House of Commons be the proper arena for discussing such a subject; he would content himself with saying, that whatever might be the nature of those doctrines, the University of Oxford as a body was not responsible for them. They had never been adopted by hat University, and it could not be responsible for the opinions of its individual Members. If the hon. Member wished to find opinions for which the University of Oxford was responsible, let him look at the petition which that University had presented to the House upon the subject of the present motion. That was a regular and formal expression of the sentiments of the body, and feeling, as he did, a just sense of the high honour which his position conferred upon him, he was quite ready to take his share of the responsibility arising from that petition, for in that responsibility he gloried. He regarded the Ministerial measure as one upon which the University of Oxford looked with just apprehensions. Although the plan had been technically changed, let no man deceive himself by thinking, that the evil of the former plan to which the objections applied had been removed. The hon. Member for Ipswich said, that there was no reason for withholding our confidence from the individual members of the Privy Council, of whom the board at present consisted. The objection was not to individuals, but to placing in the hands of laymen those powers which ought to be confided only to the Church through its ministers. He (Sir R. Inglis) had never confounded the Church with its ministers, but had only said, that from time immemorial, both in Roman Catholic times and since the Reformation, education had been connected with religion; and he firmly believed, that if the Roman Catholic religion were ever again in the ascendant, the clergy of that Church would be the last in the world to leave the education of the people in the hands of others. It was said, that those members of the Privy Council belonged to the Established Church, but was it certain, that such would always be the case? Might not a Privy Councillor be a member of the Church of Rome? He did not wonder at the hon. and learned Member for Dublin's concurrence in the Ministerial plan, but that hon. and learned Member's approbation ought not to be a reason why the hon. Member for Ipswich, whose aspirations were in favour of the Church of England, should agree to the proposition, that the interests of that Church might be safely intrusted to a committee, the members of which might not, even nominally, profess the Protestant religion. It was said, that the Church of England had been remiss in the performance of its duties, and he admitted, that in the eighteenth century there had been a lamentable apathy in the Church; but it was not to the state of the Church in 1750, or at any other former period, that we were to look: we ought to consider the energies of the Church of England such as we saw them now, and then say whether we could find elsewhere such an instrument of good as was to be found in that Church. It was not the question, whether in former periods the Church of England had adequately discharged its duty, but whether it was not fully occupied in doing so at present. Nothing could now be said of that Church which did not redound to its honour. He held in his hand a return of fifty-two boys who were committed to Newgate for various offences between October, 1821, and March, 1822, from which it appeared, that eighteen of them had been taught in schools not in connexion with the Established Church, while only six of them had been taught in schools belonging to the Established Church. It could not be contended that these numbers represented the respective populations, and that Dissenters were three times as numerous as Churchmen. Was he not, then, entitled to infer from that return, that the mode of instruction in schools connected with the Established Church was greatly superior to that of other schools? and that a deeper moral impression was made by the more specific religious teaching and training in such schools than in others? For his own part, he was prepared to contend, that even the elementary part of the general education of children might be, and ought to be, connected with Christian instruction, and he was fully convinced, that, as there was no species of knowledge (even the arithmetic to which the hon. Member referred,) which might not be perverted by the arts of a teacher, so there was none which might not be profitably connected with high principles by a really Christian teacher. This was self-evident, in respect to sacred subjects. Any opportunity which was lost of leading the way to eternal life was, in his opinion, dearly purchased by what the hon. Member for Ipswich called universal charity. That was an opinion which he believed no man who was fully persuaded of the truth of the doctrines of the Established Church would venture to controvert. There was no alternative. They must believe, that those doctrines were true or were false. If they believed them to be true, they were bound to support and advance them. Then came the question of what was the nation to do? His answer was, without reference to the question of a national conscience, that each individual was bound to use his influence as far as it went for the promotion of the doctrines which he believed. Every one was responsible to God and man for the use of the power committed to him. Those holding office, and in possession of political power, were bound to exercise that power for the promotion of their belief, and not for the encouragement or advancement of anything which they disbelieved, or conceived to be erroneous. Would they venture to tell him, then, that this board of education might not—nay, must not, tend to the promotion of that which, as individuals, they believed to be erroneous? It was distinctly stated, that the design of the Government was, to extend the benefits of a national education to all those who now require it, whether they belonged to the Church of England or not. That being the case, the members of the proposed board must necessarily throw a portion of their patronage and influence into the scale which was to weigh against what they believed to be the truth. It had been said, that as Dissenters paid a portion of the national taxes, they had a right to receive in return a share of the national income. But he would ask, did any man refuse to contribute to the support of gaols upon such a ground as that? Did any man refuse to contribute towards the building of a bridge on the ground that he never intended or never should have occasion to cross it? He understood nothing of a national religious establishment unless it were one to which members of all other persuasions were bound to contribute without any obligation on its part to contribute in return. If that view of a national establishment be just it was clear that those who held the power of the State were bound to exercise that power for the support of that Establishment, a duty which they certainly could not be said to be doing in proposing a mixed scheme of education, and which he believed would not satisfy the more conscientious members of any party. With that view of the duty of the Government to promote the religion of the State, not on the ground of a national conscience but on the ground of individual obligation, pressing on the personal conscience of the individual Members of that Government, he could not understand how his noble and right hon. Friends opposite could justify themselves in giving aid to those whom in their conscience they believed to be in error, as of course they believed the Socinian and Roman Catholic to be. He would not enter into any theological discussion whatever. The members of those sects might be right, or they might be wrong, but he would venture to say, that if the hon. and learned Member for Dublin, for instance, were to change positions with them, and that he were asked to allocate a portion of the national funds, supposing his Church to be the national Church, for such a measure as this, he believed that the hon. and learned Gentleman would not approve of such a course, and would not sanction it under the authority of the heads of his Church. Over and over again he (Sir R. Inglis) had said, that the State ought not to establish a system of secular as distinguished from spiritual instruction. They might call it by a less term than a system of education; they might say that a lesson in arithmetic was a lesson in arithmetic, but he could not call any system one of education which did not include the preparation of the whole soul and mind for their duties here and hopes hereafter. His right hon. Friend, the Member for the Tower Hamlets, who had just entered the House was one of those who had endeavoured to make a distinction between secular and religious education, but what his right hon. Friend urged upon that subject was, he was convinced, quite impossible. They never could bring together under one head for the purposes of education those who differed entirely on spiritual subjects, and if they attempted to divide instruction into secular and spiritual, they could not bring either to its legitimate result. Numerous petitions had been presented upon this subject from the Dissenters themselves, some of them exclusively signed by Dissenters. Never in so short a period of time had there been presented from all parts of the country so large a mass of petitions, showing such a combined opposition from persons of so many different persuasions, as there had been presented against the proposed plan of education. It had been said, that they were not against the present plan. Many of them were certainly presented before the second plan was known; but those presented within the last week were directly and specifically against the plan now proposed. Never before in so short a time was there such opposition shown to any measure in the shape of petition. He believed their number on this one subject approached very nearly to the total number of petitions presented on all subjects in former Sessions. What must be the evil of a plan which could arouse against it the indignation of so many otherwise discordant bodies, and which had produced in its favour some fifty or sixty petitions from the zealous supporters of her Majesty's Ministers, but who, neither in that House nor in the country, represented the real wishes and feelings of the people of England?

Mr. *O'Connell*, had only intended to speak upon the general merits of the question, but he felt called upon to notice the opinions which had fallen from the hon. Baronet, and some mistakes which he had made with respect to matters of fact, and which, he must say, had not a little surprised him. He would begin with the least material, and in reference to the petitions which had been presented, he would tell the hon. Baronet precisely what the public cry which had been raised upon the subject was. True, there had been a greater number of petitions presented against the present than any former plan; but there was a miserable deficiency with regard to signatures.

The number of persons which had been presented was 1,615. ["Three thousand."] He spoke from the last return, made two or three days ago, and the reason why only a few of them had been printed was, because they were all similar in their contents. Hon. Gentlemen opposite cheered; but they seemed not to know, that to these 1,615 petitions, there were only 165,729 signatures. Now, upon the subject of the extension of the franchise in Ireland, they had 192 petitions, with 179,420 signatures; and on the question of the extension of church accommodation in Scotland, the number of petitions was 611, and the signatures 141,307. There were, then, more signatures to the 611 petitions from Scotland than to the 1,615 petitions which had been presented on this subject; and he might say, that the 192 petitions from Ireland had nearly 15,000 more signatures than the petitions against this plan. The petitions against Orange dominion, or in approval of the Irish Government, were 710 in number, with 55,356 signatures, and this enumeration proved that, however dexterous the hon. Gentlemen opposite might be in getting up petitions, they failed signally in procuring signatures. They had brought the mighty mass of Conservative power, aided by the Universities, the Established Church, and the Wesleyan Methodists, to bear upon the subject; but still their efforts had not succeeded, inasmuch as although they had a whole fortnight to exert themselves, they had been unable to obtain to their 1,615 petitions more than 165,729 signatures. Could it be doubted that they had attempted again to raise the cry of "No Popery?" He asserted that this had been their design, although it had signally failed. It was a great mistake for them to suppose that in their bigoted opposition, the sense of the English people was with them. Their attempt to raise the "No Popery" cry had most signally failed; it was growing weaker and weaker every day. He was sorry the noble Lord, the Member for North Lancashire was not in his place, that he might tell the noble Lord that it ill became him to have joined in this unhallowed cry; which was nothing less than a "No Popery" cry. That for which he chiefly found fault with the course recommended by the hon. Baronet opposite was, that he did not go far enough. They stated on the opposite side, that they did not think they could aid one party without subjecting another to loss and deprivation. That was their principle: he called on them to work it out. He contended that they could not work it out; without meaning anything disrespectful, he would say, that they dare not work it out—he doubted not that they would work it out if they could, but they could not; they would willingly proceed with the principle of exclusion, but he was in that House in spite of them, and in spite of all who were influenced by their principles; they had tried the efficacy of exclusion, and they had found that it would not do. They had tried the efficacy of the exclusive principle, in order to prevent the advance of catholicity, but nevertheless, the Catholics multiplied in Ireland; they even increased in England. But the advocates of exclusion did still not carry their own principle far enough, or at least not far enough to effect their purposes; they did not burn, they did not introduce Spanish law into this country, though they endeavoured, to the utmost of their power, to proceed upon principles which were at once fatal in politics, and unsound in religion. Properly speaking, such principles did not belong to religion, they were anti-religious: for though hypocrites might be made by force, converts could not be made otherwise than by persuasion. The hon. Baronet opposite had endeavoured to show, though, as he thought, most unsuccessfully, that he was now either guilty of inconsistency, or at variance in his sentiments with the opinions held by his Catholic brethren, and inculcated by the Catholic Church. He must beg to state distinctly, that he had never said, and that he had never done, any thing to justify such an inference. He believed all that his church believed, and he disbelieved all that the church declared to be untrue. He did not willingly enter into these explanations, but, on the contrary, had been driven into them by the taunt which the hon. Baronet had thrown out. That hon. Member had spoken as if he regarded the hon. Member as a heretic: he begged to say that he entertained no opinion upon the subject. He knew not whether the hon. Baronet was a heretic or not. It was to be hoped, that if his opinions were erroneous, he had taken all possible pains to acquire sound and correct information on the all-important subjects of religious faith and doctrine. If he had proceeded with caution and with sincerity, he could not be called a heretic; but whether the hon. Member were so or not, he (Mr. O'Connell) was forbidden to judge him—that was a matter between the hon. Member, and his God, on which no human being was entitled to pronounce judgment. The hon. Baronet was not responsible to him, or to any created man, for the opinions he might hold. He warred not with abstract opinions, he merely objected to the practical application of persecuting principles. Whether there were a bribe in the form of assistance for a school—whether it were the appointment of an excise officer—whether it were advancement to the bench, or precedence at the bar, became a matter of insignificance, the principle against which he raised his voice was the principle of persecution, the principle of exclusion, and he would take upon himself to say, that the hon. Baronet had no more right to persecute or oppress him than he had a right to persecute the hon. Baronet. Now, as to the state of feeling out of doors, in reference to this great question, he must be permitted to say, that with all the excitement which the persecuting cry had occasioned—that, notwithstanding all the efforts of the Wesleyan Methodists, aided by the zeal and discipline which characterised that body, the efforts made upon the present occasion were paltry. He meant, that in point of numbers signing the petitions, the whole affair was paltry, the numbers were really insignificant. To proceed, however, to examine the question with which the House had to deal: what was that question? By the minute of the 1st of April, it appeared to have been the determination of the Government to establish normal schools, and to pay chaplains for instructing children born in the Established Church in the principles of their religion, and that those chaplains were to be paid at the expense of the nation at large. By all means, let the children who belonged to the Established Church have religious instruction, but let it be paid for out of the funds of the Established Church, and not out of the funds of the nation at large. The arrangement proposed under the minute was, that those chaplains should be paid, not out of the ample possession of the Established Church, but out of the funds of the nation at large. Surely that was an arrangement far more favourable to the Established Church than it had any right to expect. It was too much to expect for the Established Church, that the Roman Catholic and the Dissenters should pay for the religious instruction of the members of a Church so richly endowed as was the Established Church of this country; that would indeed be to give the Established Church a decided advantage, and one wholly inconsistent with fair play. But yet he had acceded even to that, for he considered it to be of the highest importance, that the people should be educated. It was hoped, that at the normal schools the education of the pupils might be carried on in common. It was considered, and as he thought most justly, that youth should not be separated in the business of education—that they might be reconciled to each other's presence in their early days—that they might be accustomed to meet upon other points than those of repulsion. Sacred Heaven! why might they not meet upon other points than those of difference and hostility? He was aware, that they had often been told that an experiment of that nature had never been tried. He frankly admitted, that it had not been tried in Prussia: he admitted, that there Catholic education was carried on under the inspection of the Catholic clergy; and he admitted, that the petition which had been presented from the Archbishop of Tuam claimed for the Catholic clergy the spiritual care of those who had been born and brought up in their communion. He thought they had a right to that, but the hon. Baronet thought otherwise; he, as well as the hon. Member for Somerset, thought that every child in the community should go under the yoke of the Established Church. Now, he thought himself warranted in asking the House to contrast that with the claim set up by the Archbishop of Tuam—let them contrast the sentiments of the most rev. Prelate, with the doctrines insisted on by the hon. Member for Somerset, who began the speech which the House had heard by saying, that he deprecated all polemics; and certainly so he ought after the sweeping concessions which he had thought proper to demand. The extent of those concessions had proved too much even for the purposes which the hon. Member himself had in view; they spoilt his own position. It had been affirmed by that hon. Member, that the Church of England educated all the children belonging to its own body, was that a reason why they should claim the whole of the grant? It had been alleged, that the Established Church was doing much in the work of education with its own funds, could they not then let the miserable grant which the Government proposed go to other classes of the community who had no funds of their own, without urging such violent and unqualified opposition? They who had such enormous revenues of their own might well permit a small advantage to be enjoyed by others of their fellow-countrymen—but they who had so much cried out "Give us more." It reminded him of the man whose covetousness was recorded in the Old Testament, who, though he had a large flock of his own, demanded the solitary ewe which belonged to another. He should now come to the Government plan of the 3rd of June. Government then gave up the normal schools. He confessed, that he regretted that they should so have abandoned the high ground which they had previously occupied; he regretted, that they should have given way to public clamour; and he still more regretted, that the people of England should have made such a demand of them. He had thought, that the people of England would not have taken amiss a plan for educating the tutors of their children in one common seminary, without distinction of creed or party; that those tutors might be permitted to receive their religious knowledge in this way—that those principles which they held in common might be inculcated in common, and that their special religious instruction might be given to them by the clergy of the persuasion to which they belonged. But that was not to be, and the House had seen the noble Lord, the Member for Dorsetshire, stand forth amongst the most forward of the opponents of that which appeared to him the fair, the just, the only equitable mode of dealing with the difficulties of this great and important question—that noble Lord, who told the House that there were no intrinsic merits in the Sermon on the Mount. It was with extreme reluctance that he adverted to topics of that sacred nature, but he had been driven into it by the noble Lord, who told them, that the Sermon on the Mount derived its value from the divine sanction of Him by whom it was pronounced, but that it had no intrinsic merits of its own. [" *No, no.*"] He would repeat, that the noble Lord had said so; he himself heard the noble Lord utter the words, and he heard them with deep regret; who could fail to experience a feeling of deep regret to hear a British Nobleman, in the nineteenth century, holding so cheap the sublime morality, the peace, the mercy, the forbearance, the benevolence, which breathed through every sentence of that divine composition, without admitting at once its intrinsic merits, and regret that any one should deny them? They could not fail to be still more sensible of its unapproached excellence, when they compared it with the contemporary philosophy and morals of surrounding nations, which preached, as the perfection of wisdom and virtue, triumph over enemies, self-gratification, revenge, indomitable pride; let these be contrasted with the Sermon on the Mount when any man said, as the noble Lord had said, that it had no intrinsic merits—had no sublime and pure morality. He would repeat that the noble Lord had used that language–he heard him use it–it had been published as his, and he had not contradicted it, and were the noble Lord then in his place he would avow it. The noble Lord also referred to a chapter in Isaiah respecting the prophecy of the Messiah, and placed a different construction upon it. But was not the noble Lord mistaken? Would not some of them admit, that the Sermon on the Mount was an admirable piece of general instruction, and might be read in harmony by Christians of every denomination at the same time? Would it not be the working of a mighty good to convince all children of the wisdom and Christian obligation of practising the precepts of that Sermon? He was sorry, that the normal plan had been given up—he hoped it would be revived in a better time. The hon. Member for Somersetshire said, that in Prussia the religious persuasions were educated apart. Now he implored the right hon. Baronet, who was so convinced of the superior merit of Protestant over Catholic education, to refer to the account of the morals of Prussia, as illustrated in the 4th chapter of the work recently published from the pen of the well known Chaplain of Chelsea Hospital, the Rev. Mr. Gleig, the author of the "Subaltern," and other talented works. The rev. Gentleman stated, that the observance of the Sabbath in Prussia was most exemplary, though it was relaxed in the evening, and that the general tenor of the lives of the Prussian Catholics was most pure. Look, then, to Mr. Laing's book on Sweden, where the reformation was successful, where the clergy were respected, where education was widely spread, but where the prevalence of crime was dreadful. His only object in referring to this contrast, was, not to give pain, but to induce moderate reflections on both sides. He would not have education without religion. Let children be educated together as far as they could, and then separately, when important religious distinctions arose. He would caution systematisers against the inherent vices of the system they supported. But if their plan had in some degree failed in Prussia, it had been completely successful in Holland. He knew that some mistaken fanatics amongst the Calvinists in that country were declaring off from this general acquiescence. The hon. Member for Somersetshire knew the reason, but he would not tell it. The excuse they alleged, however, was the advance of Catholicity; and no doubt the Catholic religion was advancing in that country as well as in this; but was that a reason why the experiment should not be continued; if it contained nothing unfair and unjust, and if it developed pure Christian knowledge, and gave the adherents of every persuasion an opportunity of arriving at sound convictions. But the normal plan had been given up; the present plan merely asked for a sum of public money, not belonging to the Established Church, which they had not. The Member for Kent told them that the whole of the grant was to be absorbed by a wealthy establishment, because the Catholics believed in transubstantiation. He acknowledged, that he entertained no doubt of transubstantiation. They were charged with the invocation of saints—he did not deny it; with praying for the dead—an English judge declared from the bench that praying for the dead was a salutary act; with the sacrifice of the mass—he admitted that likewise. But then he was charged with coming for money. He did not deny that he came for money; but he, and those in whose name he spoke, demanded to have a little of their own. The hon. Member for Kent in effect said, that by reason of their religious opinions that which belonged to the Roman Catholics ought not to be given to them, but rather handed over to the Established Church, by reason of the doctrines which it held. He respected the credulity of that hon. Member, but he objected to his being allowed to put his hands in other people's pockets. It was robbery to make one man pay for advantages conferred upon another. It was not wise in Members on the other side to discuss a question of that nature in such a manner; to contend for the affirmation of such a proposition as that for which he contended, was just and honest; to contend for the contrary, was swindling and robbery. Now, what did this Government plan propose? It proposed to take the grant, and to distribute a great portion of it to the National School Society, with which they seemed to be satisfied; more than half of the money, in fact, was to be given to this Society. No doubt they would make no objection to that application, and he would not quarrel with the right hon. Baronet or the hon. Member for Ipswich upon that ground. Next came the British and Foreign School Society. He did not know what they thought of that. Oh, now he saw a beam on the countenance of the right hon. Baronet, the Member for Oxford, significant of his favour of the Foreign and British School Society; but universally the Dissenters were to receive another large portion of the money. So it had taken place last year, and the year before; but then the noble Lord, the Member for North Lancashire, was silent. What raised his noble wrath now? It was the "No Popery" cry. He made no complaint while the money was distributed between the National School—the British and Foreign School, and the Dissenters, but the moment a miserable crumb—the moment a paltry remnant was proposed for the instruction of the Catholics, the noble Lord rose in his place and cried out against it. The hon. Member for Maidstone complained of the manner in which the Government brought forward the question, but the question was not brought forward by the Government; but by the noble Lord opposite, in moving the resolution to get rid of the order for going into the Committee of Supply. The noble Lord wished to get rid of the four noblemen who would superintend the distribution. The hon. Member for Lambeth had justly said, that he had never heard a speech of such bitterness or malignity as that which the noble Lord had made against any grant to the Catholics. How much it was to be lamented, that the present period should be disgraced by a spirit unknown to the early ages of the church in this country.

From the days in which Austin, the monk, had been sent to convert our ancestors to Christianity down to the reign of Henry the 4th, a period for which Englishmen should blush, when the writ *de hæretico comburendo* originated, there had been no persecuting enactments; and William of Wykeham, whose principles as respected toleration were abominable, would have been canonised as a saint, had he not sent the Lollards to be consumed by slow fires. He did not stop half way in his measures like the hon. Baronet. They were told, that the Established Church was so predominant in point of numbers, that it must absorb all grants for education. How stood the fact? It was known, that before the Reformation there were in this country about 97,000 places of worship for one-third of the present population; at the present moment the number of churches returned in a Parliamentary document as connected with the Establishment was only 11,825. There was no Parliamentary document to show the number of Dissenting meeting-houses, but the *Morning Chronicle* represented them, including Roman Catholic chapels, at 8,716, bearing, therefore, a proportion of nine to twelve, or three to four. Taking the population of England at 14,000,000, according to the last statistical account, there would be 8,000,000 belonging to the Church of England, and 6,000,000 of Dissenters and Catholics. But was there a man among them who supposed that this relative number of the two persuasions was calculated on the relative numbers of the churches? They should remember, that the churches were built without expense to the present occupants; many churches remained unoccupied in London and Norwich, for instance; the existence of a church did not always imply the presence of a congregation; but whenever they found a Catholic church, or a Dissenting meeting house, there were proofs not only of the existence of congregations, but that they consisted of people of wealth and influence. Why did he enter into these details? For this purpose—to teach hon. Gentlemen opposite some moderation in their tone. What did he want from them? Nothing but fair play. He did not want to rob them; nor would he suffer himself to be robbed. He wanted them to use some moderation in their language, not to resort to the "No Popery" yell, but to do justice both to Dissenters and Catholics. Hon. Gentlemen opposite had fallen greatly in love with the Wesleyan Methodists, forsooth. They might be very well-conducted excellent persons in private life; with their religious opinions he had nothing to do, but he utterly denied their claims to any respect as having distinguished themselves in any career of political utility. The first great political movement of their founder, John Wesley, was writing the address of the Protestant Association in 1780, which ended in what was called an *emeute*,—in the burning of prisons, the destruction of property and life. He did not accuse him of having written it, but rumour certainly ascribed it to him. And this he certainly did accuse him of—writing two most inflammatory letters in support of that Protestant Association before it committed those atrocities. He did not again accuse him of having instigated them; *post hoc* was not always *propter hoc*, but certainly the insurrection, the slaughter, the burnings, the atrocities, were committed subsequently to the authority encouraging them. That was the first fact in the history of Methodism. He challenged any Gentleman of that persuasion to come forward and point out to him—he would be delighted to hear any one single circumstance in their political history since, which showed them to be the friends of civil and religious liberty. He never knew that they united with the great body of Dissenters in calling for the repeal of the Test and Corporation Acts; he never knew that they joined in petitioning for Catholic Emancipation, or for any measure of freedom of conscience; on the contrary, he never knew them but as the most persevering, he would not say the most malignant opponents of the Catholics. If he were mistaken, no one would more readily retract the imputation, but this he would say, their history was that of opposition to religious liberty, and he never knew them to take part in any measure for diminishing the burdens or increasing the franchises of the people. Why, then, exclaim so loudly in their favour? He would tell them—because they had joined in the "No Popery" cry. But he warned them of the treacherous grounds on which they stood. What was the very first sentence in their petition? "We most decidedly object to the intended scheme on the strong grounds of conscience, and of our right to full religious liberty." A most excellent principle, no doubt; there could not be better. But what they would have others do, they should themselves exemplify. If they claimed full religious liberty for themselves, they should concede it to others. The petition went on to say—" We protest against being taxed for the teaching of a system of religion which we, in common with the mass of our fellow-countrymen, believe to be false and injurious." He did not wish to use harsh terms, but he was bound to believe their doctrines to be both false and injurious, and therefore he claimed from them the same liberty of conscience which they demanded, and that he should not be taxed for the promulgation of doctrines which he likewise considered false and injurious. But were hon. Gentlemen opposite really safe in their Wesleyan connexion? Their church was rich; their stalls, their episcopal bench, their rectories, the power of their ordinaries would suit the Wesleyans equally well with the Established Church. They had themselves promulgated it. He warned them to beware of what they were doing. They had taken the armed man on their back to hunt down the stag; but let them not imagine he would get off their back, or take his bridle from their mouth; they had placed the sword of the Lord and of Gideon in his hand, let them take heed how he used it. In the next sentence of their petition they objected to the educational scheme, because versions of the Scriptures would be used which they characterised as " notoriously corrupt." They were bad biblical scholars, as he would show from a very high authority. On the 21st of May, 1838, a gentleman was examined before a Committee of that House —a reverend divine of the Established Church of Scotland—a Church infinitely more opposed to the Roman Catholic Church than the Established Church of England, the latter being, in the language of his Church, " deformed the least, because the least reformed." What said Dr. Chalmers, a man, he need not say, of the first-rate talents and information, burning with as ardent a dislike of Popery as any of the Wesleyan Methodists? That rev. gentleman said, in answer to question 3,717—

> " I beg leave to say, that the difference between the authorized version and the Douay version is not so great as to make it a thing of practical importance which of them should be used."

He would not enter into theological controversy, although the noble Lord, the Member for North Lancashire, had referred to the sacrament of baptism, the doctrine of justification, and what he called the blessed benefits of the holy eucharist. It was the first time he had heard those things mentioned in such terms in that House, but this he had a right to say, that never was ignorance more completely displayed than in this assertion with respect to the authorized version of the Roman Catholic church. If that were the proper place, he should be able to show, that in the version used in the Established Church, there were faults, errors admitted, recognized, and not corrected, on subjects too of the utmost importance, embracing even the " blessed benefits of the holy eucharist." Why did he say this? To produce peace and forbearance—to shew these Wesleyan Methodists that they ought not to put into petitions charges which the Catholics cannot refute in Parliament, because it was not the proper arena for discussing them. Another passage of their petition described the Douay version as " accompanied with notes which contained most absurd and pernicious doctrines." Within the last six years 309,000 of one edition of the Scriptures had been circulated by the most rev. Dr. Crolly, the right rev. Dr. Denver, and his most beloved friend, the right rev. Dr. Blake. He knew that Dr. Crolly had paid a bookseller 1,400*l.* out of his own pocket for copies of the Scriptures to be distributed. He recollected the time when the cry was, "Take the Scriptures, take your own version, your own copy, read it." He offered to prove the facts he had stated to any Gentleman who would honour him with a call out of that place by referring him to seven booksellers, six of whom were Protestants. What was the history of the so called " absurd and pernicious doctrines" contained in the notes? The copy of the authorized version published in Rome by Pope Clement in 1593 was most sedulously watched over in its publication when it was translated at Rheims, whither the Douay college had been transferred. There were in that edition notes urging on the principle of the right hon. Baron opposite, that it was right for the civil power to persecute those who taught erroneous doctrines of religion. A Protestant bookseller in Liverpool set about printing an edition of it in 1808; and he (Mr. O'Connell) was the first to denounce it. The right rev. Dr. Doyle, on the 4th of July, 1830, stated in his evidence before a Committee of that House, that "all the notes to which objection was taken had been expunged, not only from the last edition, but from several editions of the Douay Bible." He knew as well as any human being could, his own accountability, he was arrived at that time of life when the reckoning could not be far distant; but he did implore the House to look at this question in its real aspect. Was a small sum of money to be spent on Catholic schools? Did they not want it in England? In Liverpool there were 92,386 Catholics, about one-third, and by much the poorest, of the entire population. Were they to get no part of this grant? The experiment of common education had succeeded in Liverpool. In Manchester, including Salford, there were 75,000 Catholics. From the best investigation he could make, there were in Great Britain 1,500,000. He would not enter further into the statistics of the question. Their number was great; their destitution was great; their want of education was great. Why should their rich church, with 8,000,000*l.* a-year, shut out the Catholic population from any share of this grant? Let them quarrel about something else. Let them take some other ground of attack. Or if the battle must be fought, let them fight it manfully. Let them say at once, Lord Lansdowne is unfit to distribute this money; and not bring forward this paltry assertion, that he is irresponsible; for who could be so responsible as a Minister of the Crown? Don't let them say, "Give us clergymen of the Established Church on the board?" Would they allow a shilling to go towards the education of Roman Catholics? They would not. Gentlemen opposite would disown such clergymen; Oxford would shudder at them; even the Puseyists would join in the cry against them. Why then did not the noble Lord come forward boldly with a resolution in this shape, "Take your grant; we are satisfied with the British and Foreign Society and the National Society, but let no part of the money be given to the Roman Catholics?" He told the noble Lord that it was the same thing in other words. He was surprised, that the noble Lord had not had the straightforwardness—for the noble Lord generally went straightforward enough to his mark—to proclaim that such was his object. He had heard the speech of the noble Lord the Member for Dorsetshire, with great regret. Let the House mark the difference between him and the hon. Member. We propose, that persons of all religious persuasions should be equally provided with the means of education from the money raised from all. We claim no preference, we ask for no priority. Equality—that is all we demand. We do not require your money; we only say, "Do not you take ours." But if you are determined to grant this vote, do not give it that portion of the community which is rich, and take it away from that portion which is poor. Much had been said in the course of the debate about our common Christianity. He did not like the sneers which had been directed against that topic by the hon. Baronet the Member for Oxford; they were unbecoming on his part, they were unworthy of his character. There were points on which we all differed, and those too, important points of faith. Faith was great, hope was cheering; but charity included them all, was greater than them all, and formed the only proper basis of them all.

Mr. *Gladstone* said, that it was with the deepest and most unfeigned reluctance, that he took part in the present debate, for he knew, that the vital and cardinal principles on which it turned were deep and abstruse principles of religion, which never could be discussed in that House with advantage. To the doctrine that subjects of theology were unfit for discussion in that House general assent was given; and the hon. and learned Member for Dublin, who had just vanished from his place, had laid down in his speech most forcibly and most clearly the view which he took as to the introduction of questions of theology into that arena, and had stated with great precision the reasons why they ought not to be made subjects of discussion in that place. But how did the hon. and learned Member apply his theory? By putting questions to him. It seemed, that he as an individual Member was to be examined in that House, as to his religious opinions when it suited the purposes of the hon. and learned Member; but, that when his answer to that examination was to be given, a protest against his being heard, was to be made on the ground, that questions of theology were unfit for discussion in that House. This was not the first time, that this kind of allusion had been made to him in that House. The noble Lord opposite had alluded to a book of his, which he was almost sure, that the noble Lord, in the midst of his numerous and onerous avocations, had never been able to spare time to read. The noble Lord had also taunted him (Mr. Gladstone) with what he was pleased to denominate the result of his principles. He was not afraid of entering into a discussion with the noble Lord upon those principles, if the present was either a time or a place for such a discussion. He would not flinch from a word which he had uttered, or from a single syllable which he had written, upon religious topics, and he claimed the privilege of contrasting his principles with those of the noble Lord, of trying the results of them in comparison with the results of those professed by the noble Lord, and of ascertaining the effects of both on the institutions of the country, so far as they operated upon the Established Church in England, in Scotland, and in Ireland. Last night, too, the hon. Member for Liskeard had spoken of him as if he had interpreted the right of private judgment to mean nothing else than conformity to the doctrines of the Church of England, and had broadly stated, that his doctrines, if pushed a step further, led of necessity to persecution. He was well aware, that he could not defend himself against such imputations without transgressing the ordinary rules of debate. All that he should say in reply to them —for he would not be diverted from the main subject of the debate—was this: —That if the hon. Member for Liskeard was justified in asserting, that his doctrines on the right of private judgment resolved themselves into the necessity of conforming to the doctrines of the Church of England, and led, if pushed a step further, to persecution, he was also justified in asserting, that the doctrines of the hon. Member for Liskeard destroyed the means of discerning between truth and falsehood, and led, if carried out to their next stage, to nothing less than national infidelity. With respect to the hon. and learned Member for Dublin, who had spoken so much of his fondness for statistics, the use which he had made of them reminded him of an observation made by the late Mr. Canning, to this effect. That he had great aversion to hear of a fact in debate, but that which he distrusted most was a figure. The hon. and learned Member for Dublin had stated, that there were 97,000 churches in England before the Reformation; a statement depending upon historical research, which, if known to the hon. Member for Dublin, was unknown, he believed to every other antiquary in the kingdom. It was not easy to test the accuracy of events so remote; but what ought they to think, if the hon. and learned Member was found so grossly inaccurate in his representation of events nearer our own times? The hon. and learned Member for Dublin had also spoken of the existence of 9,000,000 of Dissenters in the United Kingdom. But the present question had relation to England alone? And what was the amount of Dissenters in England alone? He would refer on that subject to a letter which had been published in the *Morning Chronicle* in November, 1837, by Mr. Dunn, the Secretary to the British and Foreign Society. In that letter, Mr. Dunn made the entire number of Protestant Dissenters in England amount to no more than 2,500,000 or it might be to 3,000,000 in our whole population of 15,000,000. The hon. and learned Member for Dublin had also travelled into statistics upon another point. He had said, that it was ungracious in the Church of England to demand money of the public for purposes of education, when it was itself in possession of 8,000,000*l.* of revenue. Now, the hon. and learned Member for Dublin had not even taken the pains to refer to the documents laid upon the Table of the House; for those documents proved that all the revenues of the Church of England did not amount to more than 3,000,000*l.* And if another 500,000*l.* were allowed for the revenues of the endowed schools and of the universities, it would appear, that the hon. and learned Member in his attempt to lead the House to useful knowledge by the means of statistics, had assumed to himself the privilege of more than doubling the amount of property in the possession of the church. He would now take the liberty of saying a word or two in reply to the attack which the hon. and learned

Member for Dublin had made upon the Wesleyan Methodists. He was at a loss to divine the purpose for which the hon. and learned Member for Dublin had employed so much ingenuity to demonstrate that the Wesleyan Methodists, as they were not at variance with the doctrines of the Church of England were inconsistent with themselves in becoming separatists from it. The hon. and learned Member had said, that the Wesleyan Methodists ought to return into the fold of the Church, and he, who had always lamented their secession from it, and had always been of opinion, that the fault was more on the side of those who had caused that secession than on the side of those who made it, joined cordially in the hope, that the union so unfortunately broken, would, ere long, be resumed, and should be glad to find the hon. and learned Member for Dublin, his involuntary ally in producing that blessed consummation. The hon. and learned Member for Dublin had also done injustice to the Wesleyan Methodists in another point; and though he was not commissioned, and had no intention to stand forward as their apologist, still he thought it hard, that they should be taunted as the most persevering enemies of civil and religious liberty. It was, indeed, hard, that such a taunt should be cast upon them, after all their long years of exertion to bring about the abolition of negro slavery. No sect had been more prominent than they had been in pursuing to its consummation that great object, nor had more assiduously kept the interests of humanity in view, while they were acting as vigilant guardians of all the best laws and interests of society. It was unjust in the extreme to designate men who had been most prominent in vindicating the liberty of the negroes as parties perseveringly, if not malignantly, hostile to freedom. He would next advert to the two plans proposed by the Government for the education of the people. The House had been told, that the first plan, which contained a proposition for the establishment of a normal school, had been, for the moment, abandoned, or in other words, postponed. Let the House then look at the position in which it would be placed with respect to the normal schools, if it adopted the present proposition of the Government, which was, to make the grant impartial as to the schools to which it was to be applied. If the minute be impartially acted upon, the amount of the grant must be distributed rateably among the different religious bodies of the country. Now, many of them were small communities which had not funds to support schools of their own. What, then, would be the resnlt in the course of a few, a very few years? Why, that Government would say to them, "without good masters, you cannot have good schools, now you cannot introduce good masters without a normal school of your own; you are too poor to support such a school; there must, therefore, be one general normal school to supply all the different schools in the country with the masters they require." This plan, therefore, insidious as it appeared on its first blush, was likely to prove still more insidious if ever it came into operation, for it would betray the Dissenters into this position—either, that they must consent to have that normal school, to which Government dared not proceed at present, or they must have bad schools with deficient masters, and without the only measure by which they could be rendered good. For his own part, he thought, that many of the difficulties which beset this subject depended on the erroneous significations which were attached to the term "education." By "education" was sometimes meant the machinery which was employed to give that knowledge to the lower classes which was necessary to procure them employment as a means of procuring daily subsistence. By "education" was often meant the communication of that higher species of knowledge which was religious as well as secular. It was only due to the hon. Member for Waterford to say, that no one had spoken more forcibly than he had done against that species of education which was merely technical and external, and that no one had argued more successfully, that to produce a beneficial result you must make education reach a man's heart, and must keep it distinct from that which he would call mere utilitarian knowledge. Let us (said the hon. Member), take this always along with us, that the education is to be "an education in which religion is combined with the whole manner of instruction, and is to regulate the whole system of discipline." These words are satisfactory. Both the documents which he had quoted, and the letter of her Majesty, and the speech of the noble Secretary for Ireland, justified him in saying, that the question which they were then discussing was not whether it was lawful for the Government to give to the people an education which would better their temporal condition, but whether they should consent to let it administer a general moral system, which would reform the character of the people and make them more fit for the discharge of all the ordinary duties of life. Such being the meaning of the word "education," the next question was, whether the religion to be combined with it was to be the religion of all forms indifferently. If it were to be so, then he had no hesitation in asserting that the principle was new and unconstitutional. He repeated the assertion, The constitution had never recognized such a principle, and as it was opposed to the practice of a thousand years, he could not admit it, except after a full discussion of the grounds on which it was brought forward. Those grounds should be avowed by the Government and rendered intelligible, in order that the friends of the church might have an opportunity of joining issue upon them, and of grappling with a substance instead of fighting with a phantom or a shadow. He again asserted that this principle was contrary to the constitution. It was needless for him to refer on this point to our ancient history, for every instance that had been quoted against him had been taken from the history of the last few years. He had no need to refer to the clause introduced into the Prison Bill of last year; for, though it had again passed the House this year, it had not yet become law. There was another case on which their opponents relied—namely, the grant to the British and Foreign Society, and which he considered to deserve discussion. The hon. and learned Member for Dublin had said, that in making that grant we had recognized the principle of teaching all forms of Protestantism, and that we now only opposed it because a miserable portion of it was to be devoted to the education of the Roman Catholics. Now, with all deference to the hon. and learned Member, he must observe, that he had strangely misrepresented the object of the British and Foreign Society. The practice of the British and Foreign Society was based on this supposition—he would not stop at present to inquire whether it was or was not erroneous—that you can extract from the Bible, for the purposes of general education, doctrines in which the great bulk of Christians agree, and their objection to the National Society, and to the church was, that they taught peculiarities of doctrine instead of teaching nothing but those great but simple truths in which the bulk of religionists agreed. Look at the list of subscribers to the British and Foreign Society. Among their names he found those of the noble Lord opposite, of Lord Carrington, of Lord Chichester, of Lord Bexley, of his hon. Friend the Member for Bandon. All these distinguished persons were prominent members of the British and Foreign Society. [An *Hon. Member:* George 3rd was a member.] Yes; George 3rd, and George 4th, and William 4th, and our present most gracious sovereign Queen Victoria, were all subscribers to it. The supporters of that society would doubtless tell them that many children belonging to the Established Church were educated in their schools. He did not mean to dispute the fact; for that society occupied in England the same position that was formerly occupied by the Kildare-street Society in Ireland. The proposition which he intended to maintain was, that what the State had been doing in giving grants to the British and Foreign Society was a mere limitation of the principle for which the hon. Gentlemen opposite contended, and that the State had never yet recognised the principle of teaching all forms of religion indifferently, and of placing truth and falsehood on a footing of equality. Before the House was called upon to act on this principle, and advance in a direction so different from that in which the whole previous legislation of the country had run, he again begged that the grounds of the proceeding should be clearly avowed, and that some intimation should be given of the results at which it was intended they should finally arrive, in order that they might not be required to embark on an ocean of political change without knowing the haven for which they were bound. But he had protested against the principle, and had said that he did not think it necessary in support of his views to enter into any theological discussion. It was quite enough for him to know that the practice of the constitution had been, and that the law of the country at this moment was, to support that one Church which the Legislature had adjudged to be the Church of the country. Let the House look at the avowals which had proceeded from members of the Government and from persons connected with the Government, less vague and insidious than the language of the document upon the Table. What were the words of the noble Lord the Member for Yorkshire, every thing proceeding from whom was entitled to the utmost respect on account both of his character and abilities? On Friday last the noble Lord had explicitly declared, "as long as the State continued to employ Roman Catholic sinews and to finger Unitarian gold, it cannot refuse to extend to those by whom it so profits the blessings of education, and assist those sects which must otherwise remain in intellectual blindness." Such was the principle asserted by the noble Lord: he wished to treat this bold statement of it with the utmost respect. He was not proud and dogmatical enough to suppose that this question was not attended with considerable difficulties. Now, if the State was to be regarded as having no other function than that of representing the mere will of the people as to religious tenets, he admitted the truth of this principle; but if they were to hold, as he felt himself obliged to hold, that the State was capable of duties, that the State could have a conscience—[*laughter*]—would the hon. Member for Kendal (Mr. G. Wood), who had himself been so successful during the present session in advancing the cause put into his hands, have the goodness to tell him how the principle of duty could be applicable where that of conscience was not? It was constantly urged that it was the duty of the State to give the people education; but look at the consequences of this principle. If it were the duty of the State to give education to the people, did not all the arguments that went to show this tend equally to show that it was the duty of the State to provide them with religion? If it was the duty of the State to endow all the schools, was it not the duty of the State to endow all the chapels? What difference of principle was there between the two cases? In both cases they endowed religion: the only difference was, that in the one case they endowed it in a school, in the other case they endowed it in a chapel, or a synagogue, perhaps in a temple or mosque. The hon. Member for Dublin had quoted the case of 95,000 Roman Catholics, and asked the House to provide schools for those poor and destitute men who were unable to provide schools for themselves. Why, chapels were more expensive than schools; if it was right that they should provide schools, it was also right that they should provide chapels. If religion taught in schools was beneficial, religion administered in chapels was much more beneficial; if it was the duty of the State to provide religious instruction in schools, hon. Gentlemen opposite should show him, not by their taunts and jeers, but by calm reasoning, why it was not the duty of the State to establish a system under which all religions should be equally entitled to support. He had quoted a passage from the speech of the noble Lord the Secretary for Ireland, whom he respected for the plain avowal of his principles which he had made. The noble Lord had cited the cases of Roman Catholics and Unitarians; he (Mr. Gladstone) did not wish to say anything offensive of either denomination, for it was not his habit to revile religion under whatever form it was presented to him. But what reason was there for confining the noble Lord's arguments to Christianity? He would read to the House a very curious passage from a petition lately presented from the Protestant Dissenters. It was to this effect:—

> "That your petitioners feel the deepest gratitude for the expression of her Majesty's most gracious wish that the youth of this country should be religiously brought up, and the rights of conscience respected, while they earnestly hope that the education of the people, Jewish and Christian, will be sedulously connected with a due regard to the holy Scriptures."

How was the education of the Jewish people, who considered the New Testament to be an imposture, to be sedulously connected with a due regard to the holy Scriptures, which consisted of two Testaments—the old and the new? Were the Jewish children to be forced to read the New Testament? That would be directly contrary to the principle of hon. Gentlemen opposite. He wished to see no child forced to read, but he protested against paying from the money of the State a set of men whose business would be to teach erroneous doctrines to the children. The argument of hon. Gentlemen opposite, on the contrary was, that wherever there was a community of Jews too poor to provide a teacher of their own persuasion, the State should be ready, when called upon, to provide a teacher to inculcate the doctrines of that religion. He was sorry to allude to such topics, and he would not pronounce the word which occurred to him with reference to that religion; he would only say that it was a religion which denounced the most sacred truths of our religion not only as forgeries but as blasphemies. He would carry the argument of the noble Lord a little further. In India we had many good subjects; India, moreover, was a country from which we drew vast supplies of wealth. The staple of our relations with that country consisted in the receipt of money. There, millions of our subjects professed the Mahometan, and millions the Brahminical religion; on the principle of the noble Lord it would be impossible to deny the justice of their claim to have their religion upheld, and education provided for them under the Minute of Council. But the right hon. Member for the Tower Hamlets had settled this question for them without the smallest ambiguity or circumlocution, in such a manner as to place his candour in as distinguished a light as his personal character or his great Parliamentary abilities—in such a manner as to leave no possibility of retreat or subterfuge. The right hon. Gentleman had laid down, in language stronger than he (Mr. Gladstone) could use, that if the principle was good for one case, it must be good for all, and that there could be no exception. The right hon. Gentleman had announced that he was prepared to admit the principle that the State should establish no difference between conflicting religions, that the religion which God had revealed and that which he had not revealed were to be regarded as equally efficacious moral instruments for the reformation and improvement of the people. There might indeed be one answer to the objections he had urged against the endowment of Dissenters and all manner of religionists in this country; and that was, that the Dissenters demanded no endowment from the State at this moment; that in the first place, he was bound to say, that in the colonies of the empire where endowments were accessible, the same objections to receive them were not entertained; and, in the second place, the House ought to consider not what was the will of the moment among the Dissenters as to their demands from the State, but what was the value and scope of the arguments upon which the demands were founded. What was the predicament of Government! To what were they bringing the country? [Lord *John Russell*—At least not to bigotry and intolerance.]

The noble Lord would have been accurate if he had said, to Latitudinarianism and Atheism. The predicament of Ministers appeared to him to be that of men who lived from day to day by shifts and expedients, men who used arguments the real tendency of which they were unable to perceive. Well did he recollect when, during the brilliant period of the short Administration of his right hon. Friend the Member for Tamworth, his right hon. Friend was taunted with being behind the spirit of the age, with what force his right hon. Friend had retorted that those who so taunted him were behind the spirit of their own arguments. And now right hon. Gentlemen and noble Lords opposite came forward with plausible allegations respecting the general benefits of education, with allusions to cases of destitution, with exaggerated statements of deficiencies, and depreciating statements of the exertions of the Church, in support of a measure which had for its first consequence, indeed, to supply the people with education, but for its ultimate consequence, as he firmly believed, to destroy the principles on which the religion of the State was founded, and with them that national character which had hitherto been the boast of England. Let Ministers bring forward their proposition in a distinct shape, let the House see in what the support of religion in the schools differed from the support of religion in the chapels, with which he contended that it was essentially the same. The noble Lord opposite would consent to learn nothing from his attacks on the religion of the country. It might have been sufficient for the noble Lord to look back to the experience of the last three years. The noble Lord had produced on the minds of the people the impression that his measures were hostile to the religion of the country; but year after year he persisted in bringing forward fresh plans, from every one of which he was obliged to desist, baffled, defeated, and trampled upon. He cordially concurred in a remark that had been made, that they ought to quarrel on any subject rather than that of religion, but with Ministers must rest the responsibility of making it a subject of hostile discussion. They were not satisfied with bringing forward a plan of appropriation of Irish church property, which they could not carry, a plan for loading the church lands with the church-rates in England, which they were forced to abandon—they must choose another point of attack, and by means equally insidious and fatal, seek to undermine what they could not storm. To merit the assent of Parliament, a plan of education should have two recommendations– it should be both good in itself, and generally acceptable to the country. He had shown that the plan was bad in principle, and reversed the ancient practice of the Constitution on a vitally important subject—that the plan, instead of leaving the British commonwealth, as described by Burke, consecrated with all who officiate in it, left it desecrated and polluted. The plan did not even possess the temporary and partial recommendation of popularity. What had become of the Protestant Dissenters on this occasion? None had been more active in petitioning for the abolition of slavery or of church-rates. But now, although political principle had been at work, and here and there stirred up some faint symptoms of movement, the Dissenting body in general had remained perfectly still, and that because all the right feeling, sound sense, and religious principle of the country was opposed to Ministers on this question. He could not help calling the attention of the House to a passage cited already in the very able speech of the hon. Member for Kilmarnock, but in a very thin House. A meeting of the Protestant Dissenters' Society for the Protection of Religious Liberty had been held a few days back to consider the Ministerial scheme of education. In the report of the Society was found the following passage:—

> "The committee approves the discretion which induced the Government not to urge forward speedily a plan which a multitude of persons under much misapprehension had resolved to oppose, and would now advise them, as a general rule, to distribute any further Parliamentary grant in the same manner as those which have on former occasions been implied, conferring assistance on poor and populous districts, while local contributions cannot be collected under the inspection and guardianship of the National School Society, or of the British and Foreign School Society."

This document, it could not be denied, was a good index to the sentiments of the body represented by the committee; and it appeared that the plan of the Government was considered so objectionable and so unpopular, that the committee recommended them to revert to the system formerly pursued. The very body on which Ministers leaned for support having declared its disapprobation of their plan, how could they expect to pass a measure revolting to the general sense of the country, enlisting among their opponents so numerous and influential a body as that of the Wesleyan Methodists, and for which they could anticipate little support anywhere but in that House, where party feeling predominated? He trusted that the House would agree to the amendment of his noble Friend, and he was convinced that whether or not Ministers succeeded in obtaining a majority on this occasion—one of those glorious majorities they had of late commanded—they could not carry the vote through Parliament. Even if they did, they would excite greater indignation throughout the country than had been known to prevail for many years of British history.

The *Chancellor of the Exchequer:* Differing, as I do, from the hon. Gentleman (Mr. Gladstone), I differ from him with the most entire respect, because I am perfectly sure that, whether as an author or as a Member of Parliament, no individual comes forward with more frank avowals of what he believes to be the truth; no one places his belief on a higher or a firmer basis, and I believe no one is more ready to expose himself to obloquy, if it were necessary, in maintaining his own honest opinions. But the hon. Gentleman must permit me to say, with equal frankness and freedom, that the principles he has laid down, however consolatory to his own conscience, and however consistent with his theory of the Constitution, are, in my judgment, not only inconsistent with the true Constitution of England—not only unsatisfactory to the conscience of others, but are inconsistent with all notions of civil and religious freedom. Undoubtedly, I shall not pursue the hon. Gentleman through all the topics on which he has touched—I shall refer merely to the principles involved in the hon. Gentleman's speech, and will fight the battle on the field which he has himself selected. The hon. Gentleman has assumed, and I will use the term employed by the hon. Gentleman himself in his argument, that the State has a conscience, and that the conscience of the State is to be applied and directed towards a particular purpose. The hon. Gentleman has asserted that the State, like an individual, is capable of discovering and is bound to propagate the truth; and that the State, like an individual, is not justified in propagating error. The State, therefore, is bound to apply this principle to religious instruction. I must be allowed, in passing, to say, in order to prevent any misconception, that no individual lays down more absolutely than I do the necessity of connecting secular instruction with religious education, for I believe that a merely secular education would be inoperative for good purposes. In this I entirely agree with the hon. Gentleman. But, said the hon. Gentleman, if you make schools for education, as they must also be schools for religion, you are bound to teach the true religion. What is the conclusion that must be drawn? If we proposed to connect with education those principles of religion which are common to the faith of all Christians, and which in this discussion have been much undervalued by Gentlemen opposite, as if wholly unimportant — if we were to endeavour to connect secular instruction with such religious instruction, we should be met with taunts that we were generalising religion—that we were latitudinarians in our opinions, and that our doctrines led to infidelity, if not to Atheism. To general religious instruction, the Gentlemen opposite entertain an insuperable objection. Would they, then, allow of instruction in common schools in the faith of the Church of England, in connection with instruction in any other faith? No, because the instruction in that other faith must be, by their hypothesis an instruction, founded in error. Would they allow the introduction of separate schools for separate religions? Would they allow the establishment of a Catholic by the side of a Protestant school? They cannot consistently assent to a Catholic school without making themselves auxiliary to the propagation of error. They, therefore, find themselves compelled to exclude both common and separate instruction, and they reserve one single alternative — namely, the education of children in the principles of the Established Church. The principle laid down by them amounts to nothing more nor less than this, that they would educate alone the children of the Established Church, that there should be no education for children belonging to any other church or communion. [*"No, no!"*] I say, that this is the distinct and logical conclusion from the principles they have laid down. I defy them to escape from it. [*"Oh, oh!"*] I say, "Yes, yes." For what did the noble Member for North Lancashire, (Lord Stanley), and the hon. Gentleman, (Mr. Gladstone), affirm? Their argument was, "No, we do not object to educating the children of Dissenters, for we approve of the British and Foreign Society's schools." But mark the fallacy of this pretext; for the hon. Gentlemen have admitted that they adhere to the British and Foreign Society, not because it educates children of Dissenters, but because it goes on a principle common to it and to the Church. The hon. Member for Oxford has continually said that the State is only justified in disseminating truth, and that the Church of England exclusively possesses the truth. Are hon. Members prepared to be consistent, and to propose the abolition of the annual vote to Maynooth? The principles brought forward by the noble Lord, the Member for North Lancashire, and now brought forward by him for the first time, if they lead to any thing, lead to the abolition of the grant to Maynooth. Is the noble Lord prepared for this? Is the right hon. Member for the University of Cambridge, who has so often whilst Secretary for Ireland proposed that vote, now prepared to abandon it? Is the right hon. Member for Tamworth, who has so often supported it, or the right hon. Member for Pembroke, who has done so likewise, now prepared to give it up? These Gentlemen will do no such thing, yet they are surrounded by cheerers and supporters who go fully to that extent. If their argument be good for any thing, it is good to this extent, that they take upon themselves to decide absolutely in respect to education, as they would in a matter relating to the Church Establishment. The hon. Gentleman has endeavoured to confound two things essentially distinct, education and Church establishment. The present question is not one of an ecclesiastical endowment for which property was in ancient times invested and devoted by law, but with respect to a Parliamentary tax taken from the pockets of the people. Upon the principle laid down by the hon. Gentlemen opposite, Parliament would not be justified in making a vote of this kind for the propogation of what they believed to be religious error; and, therefore, upon their own arguments, to be consistent, they must vote against the grant to the College of Maynooth. This is not only a logical, but an inevitable consequence. If they are not disposed so to act, what, then, becomes of their argument? Neither is the conclusion limited, and it cannot be limited to the case of Maynooth. It cannot be limited even to the great island in which we live; it must be universal, and its application must be fully carried out. The hon. Member for Newark was for a short time Colonial under-Secretary of State. The principle, if good in England, is equally good with respect to the colonies. Does not the hon. Gentleman know, that a report now on the Table of the House shows the colonial ecclesiastical establishments. [" *Question!*"]—I feel a deep and earnest anxiety on this subject, which I consider pre-eminent above all, and I hope the House will indulge me a little longer. Does not the hon. Gentleman know, by a paper now on the Table of the House, that this country possessing a conscience, according to his theory, and bound to apply that conscience to the propagation of religious truth, bound to teach the truth and nothing but the truth, affirming that the Church teaches the truth, and that the truth is not taught in any other Church—does the hon. Gentleman know how this rule of the State conscience is applied in practice? The paper to which I refer shows an account of the Church Establishment in the colonies. The return is made under four heads, and it shows that whilst Parliament supports most largely the Church of England—that it supports largely the Church of Scotland—that in four colonies it supports the Dutch Church—and that, in many of the colonies, (I am sorry to hurt the State consciences of many individuals present,) it supports the Church of Rome. It is suggested to me by my hon. and learned Friend near me (Mr. Sheil) that I may go farther, for, he reminds me that, in Jamaica, provision is even made for the Jews. The hon. Gentleman, the Member for Newark, ought to have noticed this; but, perhaps, he felt that it would have taken off the edge of some portion of his argument. What, then, becomes of the State conscience? The hon. Gentlman said, and he was cheered when he said it, that truth was single; that all that was not truth was error. Which of these many colonial religions is the true one? They cannot all be true according to the hon. Gentleman, and yet the State supports them all. I appeal from the factitious conscience of the State to the real conscience and the real hearts of men, and I would ask whether we should be justified, on any hypothesis however ingenious, in leaving the Queen's subjects in distant lands unaided and unassisted by religious instruction according to their respective faith. When our colonial fellow countrymen ask assistance, is Parliament to turn round and say, "Our best feelings are with you, but the conscience of the State prevents us from assisting you?" It may be said, that the cases of some of the colonies are cases of capitulation and agreement, where certain boons have been guaranteed by treaty to the religious establishments of the conquered people. But this is not universally the case. Moreover, though some of these different churches are supported by annual votes of the House of Commons in committee of supply, others stand upon the firmer basis of laws which have received the assent of both Houses of Parliament. I believe there is a clause in the East India Company's Charter Act, granting a provision in aid of the Roman Catholic religion. I do not say that it was uncandid in the hon. Gentleman not to have noticed these facts; I shall say no such thing; but I complain that the hon. Gentleman ought to have shown that he knew them. But if the hon. Gentleman insists that the present question turns on an abstract proposition, I affirm that it turns on no abstraction whatever; it turns on common justice, on Christian charity, on constitutional law. Let it be remembered, that the vote for Maynooth passes year after year. The vote for India has not been objected to by the heads of the Church. Does the hon. Member, then, think, that those reverend Prelates have neglected this fundamental principle, which, in his judgment, renders it indispensable for the State to propagate only the true religion? If the Prelates of the Church have not done so, the hon. Member must either reject their authority or his own principle. Let it not be said, that the grant to Maynooth was a measure of the Irish Parliament which must be adhered to. On this subject I have another authority to offer, one open, I think, to no cavil or objection from hon. Gentlemen opposite. I will not appeal, as I might, to the hon. Gentleman opposite (Mr. Gladstone); neither will I refer to the period when I was myself Secretary of State. I will on the contrary refer to the period at which I was succeeded in office by a very highly distinguished Statesman (Lord Aberdeen), in order to show how far this matter was dealt with by the Government of which that noble Lord was a pre-eminent ornament. The question then raised was in reference to the duty of providing for the Roman Catholic religion in New South Wales. Well, I find in a despatch of February 20, 1835, a sanction given to arrangements to the following effect—that Dr. Polding, a Roman Catholic priest, should be sent out to the colony, accompanied by three young gentlemen, his pupils in theology; that 150*l.* should be allowed for his expenses out, and that 150*l.* yearly would be paid by her Majesty's Government from the date of his arrival, and that measures ought to be taken to establish his authority over his flock. This despatch is signed "Aberdeen." It is true, that the arrangements were commenced under my direction, and were not complete when I delivered over the seals to Lord Aberdeen, but the noble Lord gave his entire and unqualified assent to the plan. Yet this decision completely violated the principle of the hon. Gentleman, and must, no doubt, have done much injury to his State conscience. Here he made himself auxiliary in sending persons to propagate error, to plant pestilential Popery, in those distant lands. He (Mr. Gladstone) had thus assented to that proposition in respect to colonial establishments which he and those who acted with him rejected as sinful if adopted at home. The hon. Gentleman was under-Secretary for the colonies when this despatch was written. But if the Members opposite adopt the hon. Gentleman's principles, they are as much bound to retrace their steps with respect to the colonies, as they are to push forward their present principles in new directions at home. They ought to vote as the hon. Member for Oxford does, every year steadily and consistently against the grant to Maynooth.

We are called upon to object against disseminating instruction in error. Then we are bound to go back and repeal the East India Company's Charter Act, as far as concerns the Roman Catholic priesthood. Beyond all this, we are bound to declare, that the liberal and charitable provisions which have been made for religion and education in the colonies, are founded in error, and ought to be immediately revoked. That course if not consistent with individual consciences, would be at least consistent with the State consciences of hon. Members opposite. But this is not all. Their doctrine goes further. The principle that education should be put exclusively into the hands of the Established Church I deny altogether. Let us see what some of the petitions on the subject pray for. I am one who think that petitions should be weighed as well as numbered. There are, on the Table of the House, 242 petitions with 26,063 signatures affixed to them, against any scheme of education which shall not be placed exclusively in the hands of the Established Church. Is this the principle for which hon. Gentlemen contend? I regret much to have listened to language in which the Government has been accused of insincerity, and of propagating a delusion, coming, as that language did, from an hon. Gentleman whom I respect. In reply to the assertion that the Government are in this measure bringing forward something differing from what they really mean, I charge the party opposite with asserting one thing as their reason for opposing the plan, while they mean to carry out another principle which they hesitate to avow. Let it be known to the public, that the only religious truth which the Tory party profess their desire to teach is exclusively that truth which is to be derived from education under the Church of England; their conclusion is, that we are bound to put all education into the hands of the Church. Will my noble Friend the Member for North Lancashire agree to proclaim this? If he disavows it, what did he mean by his reference to "ancient laws," and his quotation from Chief Justice Twining and from Chief Justice Holt, and his statement of the legal subordination of the schoolmaster to the ordinary? The noble Lord is not likely to speak inadvertently or inconsiderately. Does he go this length or does he not? For my part I wish to preserve, uncontrolled, to the clergy of the Establishment whatever spiritual authority they now legally possess over the religious instruction of the people. In the performance of their spiritual functions the clergy have a right to receive from the State its entire aid and support. But this is not a time in which I wish to see the Church usurping new and important functions which do not of right belong to it. I do not think, that the clergyman ought to control the schools of the people; however justified in exercising such a superintendence as would guard against the propagation of error. But the clergy have no right to take the education of the people under their exclusive control.

As so much reference has been made to the petitions which have been laid on the Table on this subject, I wish to call attention to a few facts illustrative of the mode of getting up petitions of this character. Nothing can exceed the variety of base and disgraceful delusions which have been practised for the purpose of procuring these petitions. The dangers of popery, of dissent, of latitudinarianism, of disbelief, have all been held up to the public in false or exaggerated colours as inducements to sign these petitions; when Members come to this House, however, it will not do to venture on these assertions. But whencesoever have originated these delusions, I would say, let hon. Gentlemen go into the country and tell the people fairly, that they are desirous of handing over the control of all schools to the Clergy of the Established Church, and then let them get up petitions in favour of such a principle if they can. With reference to this part of the subject, I will not trust to my own words only, but I will refer to an opinion recently expressed by a very high authority, which affirmed that the Bishop of Exeter could command as many petitions on a given subject as he pleased from amongst his clergy. The same high authority said, that the petition from certain clergymen at Oxford, on the subject of the Church Discipline Bill, displayed great ignorance upon that subject, and that other petitions of the same character, and taking up the same grounds, were entitled to very little weight, concluding his remarks in the following words:—

> "I entertain the strongest conviction, that the petitions which come before you on this subject are full of mis-statements, though certainly I am quite willing to admit, that such mis-statements are made without disposition to deceive. I give the petitioners credit for every disposition to support the Church; but it will be for the House to judge of the weight due to their allegations, and to judge also of the wisdom, justice, or expediency of complying with the prayers of individuals, however respectable, who betray so much ignorance of the real facts of the question on which they petition."

These observations are attributed, in a printed book which I hold in my hand, to a no less eminent authority than that of his grace the Archbishop of Canterbury.

I wish now to apply myself to four principal objections taken by my noble Friend against this plan, and I flatter myself that I shall be able to give a satisfactory answer upon every one of them. The noble Lord (Stanley) objected first to the mode of proceeding; he said he objected to our committing Parliament to the plan of education by the act of one branch of the Legislature, in a money vote. The noble Lord said it was nearly approaching the nature of an unconstitutional vote. Why, if we had wanted an authority for such a proceeding, the noble Lord himself had afforded it. What course did he pursue when he proposed a system of education with respect to Ireland? He carried it by a single vote in the House of Commons. He, therefore, superseded, as far as that vote went, the deliberations of the other branch of the Legislature, and yet he now comes down and raises a cry against the Government, to prop up this absurd argument, and to condemn them as acting unconstitutionally for taking the very same course he himself pursued. The next objection was still more extraordinary, still more fanciful, and still more extravagant. The noble Lord has said that the plan of the Government was calculated to transfer the duty of education to an irresponsible tribunal. If there be responsibility on earth, the responsibility in this case is most distinct. The Committee named is a Committee of the Privy Council. The House may address her Majesty to remove the gentlemen to whom this task is confided if they do not satisfactorily fulfil the duties imposed upon them; but this is not all. My noble Friend might have raised his argument if it had been proposed to charge the sum asked for on the consolidated fund. The Member for Kilkenny would have seized on that argument also, but not only is there the responsibility to Parliament on the part of the Committee, but there is a special responsibility to the House of Commons, by reason of the provision for education being made by an annual vote. In grammatical construction it is said that two negatives make an affirmative, and on the same principle, most likely, the noble Lord has found out that two responsibilities make no responsibility. My noble Friend went on to illustrate the insidious nature of this "Whig Government," by referring in the Order in Council to a clause in which authority is given to vary the powers of the committee. Has not my noble Friend, in the many bills which he has introduced into Parliament, found it prudent to introduce a final clause, which allowed each bill to be varied and amended during the Session in which it was passed? And would there have been anything more absurd or presumptuous than not to have reserved that power of amending? Oh, but you suspected, perhaps, the Council were going to make material corrections when Parliament was not sitting. Now, if they were so knavish—[*Cheers from the Opposition.*]—if hon. Members mean by that cheer to apply that term to persons who sit at the Ministerial side of the House, I must take the liberty of saying to them, that those most in the habit of suspecting others are most likely to be guilty themselves. If that treachery had been intended, could the Government have acted with so little of wisdom or of prudence? If the Gentlemen opposite do not trust our principles, they may trust our discretion. The plan of the Government can only be varied by a new Order in Council, a public document which must be produced to Parliament.

The principle which has been openly avowed by some, and avowed as an inference by all, a principle for which I undoubtedly find no authority, is, "that the religious education of the people is a duty solely and exclusively belonging to the spiritual authorities of the Church, and which the pastors of the Church cannot resign into other hands without a breach of duty to the Divine Founder of our faith." Such is the principle for which hon. Gentlemen contend, and such are also the principles of Dr. M'Hale, under whose banners they are now fighting, and whose authority they adopt. That prelate's words are as follows—

> "That the religious education of their respective flocks is a duty solely and exclusively belonging to the spiritual authority of the pastors of the Church, and which they cannot resign into other hands without a renunciation of the obligations they owe to its Divine Founder.
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> "Every effort of the State hitherto bore evidence of a determination to interfere with the purity of religion and authority of pastors.
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> "Catholic Bishops of Ireland never consulted in formation of this anomalous plan.
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> "Such a power as claimed by practice of the present Board, would be a subversion of all that is sacred in spiritual authority."*

It has been said that the principle of united instruction is but a dream, and the Wesleyan Methodists and other denominations of Christians have objected to these Minutes of Council because they tended to promote a united education. I believe, there is, at least, one hon. Gentleman opposite (Sir T. Acland) who was present with me many years ago at a meeting on the subject of education, in which the late Mr. Wilberforce took part, and I shall trouble the House with a short passage from what Mr. Wilberforce said on that occasion. Mr. Wilberforce said—

> "It has been truly said by those who went before me, that we might triumph in getting the better of those little distinctions which keep us asunder—not each sacrificing his own principles, but exercising the Protestant right of judgment, and leaving all to form their own conclusions. It is delightful to see that in this way men of different sects can unite together for the prosecution of their projects for the amelioration of society. In this way, when I unite with persons of a very different kind of persuasion from myself, it affords an augmented degree of pleasure. I feel to rise into a higher nature—into a purer air—I feel dissolved from all fetters that before bound me, and delight in that blessed liberty of love which carries all other blessings with it."

Such was Mr. Wilberforce's opinion. He did not object to joining in the good work with the Dissenters.

There is one other observation upon which great stress has been laid. It has been objected, that under the proposed system there would be an inequality in the system of distribution. I wish here that the House would bear in mind that the first deviation made in this respect from the original Treasury Minute was made under the government of the right hon. Baronet (Sir R. Peel), when a grant was given to a school at Liverpool, at the suggestion of Lord Sandon, who, nevertheless, I take for granted will vote against the present motion. This deviation I do not object to; it was subsequently sanctioned by the recommendation of a committee; but if justifiable, then it utterly refutes the objection to the present plan, which is founded on the power to vary the proportion of grants in aid of schools. The discretion hitherto confided to the Board of Treasury it is now proposed to transfer to the Council. This, says the hon. Gentleman opposite, is all wrong. But suppose the proposed change had been the other way, and that the power was proposed to be vested in the Treasury and taken from the Council. Now, of that Board, whose administration of the education vote the hon. Gentleman entirely approves, a distinguished and most useful member is a Roman Catholic. But then it will be said, "the regulations of the National Society, and of the British and Foreign Society make it safe to trust a Roman Catholic; but we can no longer place faith in a body freed from that responsibility." Now, my answer to that assertion is — and I call the attention of the hon. Member for Kilmarnock particularly to the point—that the Board have administered for nearly three years a grant of 10,000*l.* a-year to Scotland, without limit, control, rule, or regulation to fetter their discretion and without the intervention of either Society; and I ask whether there has been a single petition against that distribution—whether there has been one word of complaint uttered as to the mode in which that privilege has been exercised by the Treasury Board, a prominent member of which is a Roman Catholic?

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* Petition of the R. C. Archbishop of Tuam and his clergy to the House of Commons.

I have thus endeavoured to show, that there is no force, no real force, in the objections to this plan. But I will tell you what effect they are meant to have. Members opposite think they have the power of raising a Church cry in the country. Let the right hon. Gentlemen whom I see ranged on the front benches opposite beware lest they are calling into activity a power which they will hereafter wish to restrain. There is no subject which can now be introduced into the House with regard to which a Church cry is not raised. We cannot insert a clause in a Prison Bill without exciting the suspicion of the champions of the Church. We cannot insert a clause, though supported by the noble Lord (Lord Stanley) without exciting the pious horror of his supporters. Why do you not (the Opposition) cheer now? If hon. Gentlemen opposite are prepared to say, that every one of our debates should partake of a religious character, let us at once desist from applying ourselves to the performance of our highest and best functions, for by their conduct such an outcry is raised on every occasion throughout the country as totally to incapacitate this House for temperate deliberation, or for sound decisions. I have thought it necessary to state my views on this question, because I am persuaded, that if at the present moment, and under existing circumstances, the State does not perform the duty of supplying education to the people, the danger to the State itself is infinite—is incalculable. You know it, you feel it, that on matters apparently the least germane to the subject the question of education is inevitably forced upon us. You cannot touch on the factory question—you cannot touch on the Poor-laws—you cannot touch on the state of the criminal law, illustrating, as it does, the deplorable ignorance of the people without meeting this question at every step—you cannot bring into activity the clergy (those active and valuable religious instructors of the nation, as they are disposed and as they ought to be), without sending before them, as pioneers, the agents of education. And yet the course you (the Opposition) now take is marked by the gall, the bitterness, the misrepresentation, and exaggeration of party politics and party excitement. I do not think you will succeed on a division; but if you do, you will be enabled to boast that you have retarded the progress of education for a longer period than it is possible now to anticipate, and you will have inflicted an evil on society which you can never repair.

Sir *J. Graham:* He should not venture to rise to address the House but that he thought the present occasion so important that he should not like to give a silent vote; and inasmuch as his side of the House had been challenged to state frankly their opinions, he, not presuming to speak for any other individual than himself, should state exactly those feelings which impelled him to support the motion of his noble Friend. As this protracted debate had proceeded, the magnitude of its subject increased palpably to his view. He was disposed to consider it one of the most important subjects that had ever been debated. He should not at that hour trouble the House with any details of the plan introduced by her Majesty's Government. That part of the subject had been already treated with great ability and perspicuity, and he should only weaken the observations of those who had preceded him by dwelling on that part of the subject. But he was greatly struck by the able, explicit, frank, and manly speeches made by the hon. Member for Lambeth and the right hon. Judge of the Court of Admiralty in the course of the two preceding evenings. They did not rest this matter on details, but opened distinctly the principles of vast importance and general application on which they rested their support of one or other of the Ministerial measures. Whilst they addressed the House, it appeared to him that Ministers acquiesced in their views; and this evening the speech of the right hon. Gentleman had convinced him that he was not mistaken. Before he addressed himself to the question, he wished to address an observation to the hon. Member for Lambeth, with regard to his noble Friend who had introduced the motion. The hon. Member had rested on two different reports of two different speeches spoken by his (Sir James Graham's) noble Friend in 1834, and, by combining the two, had endeavoured to charge his noble Friend with some inconsistency and slipping away from his principles. He thought, if there were any charge to which his noble Friend might plead not guilty, it was that of "slipping away from his principles;" and when the heat of the present moment should have subsided, and impartial history should give the character of his noble Friend, he thought it would be recorded of him, that power, place, and position—all those ties which generally bound men, he had broken as withen bands when he found they fettered those religious principles which his heart and conscience approved. He would beg the House to listen to one passage in a speech of his noble Friend, in June, 1834, which had been omitted by the hon. Gentleman. His noble Friend had stated his principles in these terms:—

"My object in supporting the principle of the bill is to remove the test which now impedes the course of the Dissenting student; but I do not wish to interfere with the future statutes of the universities, provided they do not impose this test. I cannot admit, and I hope my hon. Friend does not contend, that it should be in the power of Dissenters to claim that the statutes should be void because they may in some manner appear to obstruct the privileges given them by this bill. But I should not be content unless a provision is inserted in the bill, that no degree should enable any person to enjoy any privileges or right to make him a member of the governing body, or give him privileges in the universities, without the subscription of such test as may be required, which test the Universities should be entitled to frame. I know not whether the House will agree with me, but I think the principle which I wish to establish is plain and obvious. I would give to the Dissenters the benefit of instruction, but take away the possibility of evil consequences resulting to the universities, by depriving the Dissenters of all management and control in them."

And to show with what caution his noble Friend expressed himself, he continued,

"Since I have advocated the admission of Dissenters to the university, I will not deny or conceal from the House that circumstances have since occurred which, in some degree, altered the opinion which I entertained at first. I am bound to say, that, from the tone they have held, from the pretensions they have put forward, both in and out of the House, and of the ultimate intentions of many, avowed by members of their own body, I am justified in looking with jealousy at the measures brought forward for the purpose of promoting the views of the Dissenters."

That had been the opinion of his noble Friend in 1834; and he should like to know what might be the opinion of his noble Friend in 1839, since the views of the Dissenters had been more fully developed. What was the object of the Government? Since the year 1834, there had been three several attacks on the Established Church. First, with respect to the universities; secondly, to Church-rates; and now to the whole scheme of education itself. And what had been the course pursued? There had been a struggle for a long time to reduce the Church to a level with Dissent, and now it seemed that an attempt was making by school endowments and other means to raise Dissent to the level of the Church. That was the ground of the jealousy of his noble Friend, and that jealousy had not been removed by the objects which had been frankly avowed by two hon Gentlemen. The hon. Member for Lambeth had said, that education, if national, ought to extend the education of each sect in its particular creed; and the right hon. and learned Gentleman, the Member for the Tower Hamlets, though he stated the proposition differently, its effect was the same—namely, that all sects had a right to be educated out of the public purse to which they contributed.

Mr. *Hawes* had intended to say, and he believed he did say, that the State was bound to educate all the Queen's subjects; but he did not say each in their particular creeds. In general education they had a right to aid from the State, but their particular religious doctrines would be taught by pastors of their own religion.

Sir *J. Graham:*—Then he understood the hon. Gentleman to say, that the State was bound to give, at the public expense, general education, but to leave each sect to receive religious instruction from their own sect. But that was not the plan of Government; by the plan of Government normal schools were to be established where religious instruction was to be provided. But the doctrine of the right hon. and learned Gentleman he could not mistake; that all sects had a right to be instructed at the public charge by their own instructors. The right hon. Gentleman had said, that that could not be a national system of education which did not provide for the instruction of persons of all creeds at the public expense, or with the aid of the public purse, and that that aid will be given without distinction of religious creed; and the right hon. Gentleman, the Chancellor of the Exchequer, had assented to the proposition. If this principle were adopted by Government, how could there be a creed favoured by the State as a national church? The hon. Member for Newark had proposed a question which the right hon. Gentleman, the Chancellor of the Exchequer, had completely eluded, and it remained to be answered: if they applied aid from the public purse to the education of the youth of the country in Dissenting principles, how could they refuse similar aid to the instruction of the adult population? If aid was to be granted to Dissenting teachers, how could it be denied to Dissenting chapels, and how could endowments be refused to Socinian chapels? The hon. Member for Kilkenny shook his head; he was afraid the hon. Member had spoken, and that the House could not have the benefit of his answer. He should like, however, to have some answer to this question from the other side. It had been said, that the poverty of particular districts constituted a claim. But a large parish with a large population, at a distance from the parish church, had a stronger right to aid from the public purse than a Dissenting chapel. Now, if this principle were avowed and acted upon by the Government, and pursued to its legitimate consequence, there would cease to exist in this country the great safeguard of the state—a national religion. On these premises, and on that conclusion, every thing we have been most accustomed to value must be upset and overborne. The exclusive right of the spiritual peers to sit in the House of Lords could no longer be defended: the exclusive right of the Protestant clergy to the endowment and provision of the State could no longer be defended; the exclusive right of churchmen to collegiate and university endowments could no longer be defended; the coronation oath itself, nor the exclusion of Catholics from the Great Seal, which the hon. and learned Member for Dublin had already introduced a motion to get rid of, could no longer be defended. And as he contended, the faith of this island would cease to be Protestant, and for ought he knew its legislation would also cease to be so. The right hon. Gentleman the Chancellor of the Exchequer had asked how he justified the vote to Maynooth? Why, on the ground which he had often heard the right hon. Gentleman clearly lay down, that of a contract at the time of the union between the two countries. As to the larger number of the colonies to which the right hon. Gentleman had alluded, the sums for the support of religion were defrayed out of the Colonial Fund. But he admitted that the cases which the right hon. Gentleman had cited did trench upon the principle which he maintained. Reference had also been made, and great reliance placed upon the system of mixed education now in operation under the direction of the national board in Ireland. He must say, in his opinion, that that plan had not been very successful. He thought it had proved a failure. But at all events he was still prepared to contend, that there was bad faith displayed on the other side of the House by the analogy sought to be drawn as regarded this country and this question founded on the National Education Board in Ireland. It was argued on the one hand, that there were special circumstances which justified the establishment of that board in Ireland—circumstances that justified the Government in breaking through the rule in that country. And then, on the other hand, it was now argued by analogy that they ought to support the present grant in England, because under special circumstances they had agreed to such a system in Ireland. His right hon. Friend the Chancellor of the Exchequer had talked about retracing their steps. That was precisely the thing he knew to be impossible. But as it was impossible for them to retrace their steps, let them at least, be cautious how they took a single step in advance of the position in which they at present stood. His right hon. Friend had also said, that on that side of the House they had got up excitement on this question by concealment. He had argued, that they had avoided placing the matter before the public on its real bearings, and called upon them to avow the truth, to let it be fairly known to the country, that the ground on which they opposed the plan of her Majesty's Government was, that they contended that the Clergy of the Established Church had the exclusive right to conduct the education of all the people. His noble Friend, who had moved the Address to her Majesty to rescind the Order in Council, had never maintained such an argument. It was quite impossible for any one, who in his legislative capacity had agreed to the plan of Lord Althorp, could argue for such a principle. The plan of that noble Lord had authorised the appropriation of the funds of the State towards the support of the British and Foreign School and the National School Societies. By the principles contained in the plan of Lord Althorp he was prepared to abide. That plan was not generally understood. But a reference to the minutes would prove that the money to be given to the schools conducted on the principles of these two Societies, was not granted directly for the purposes of education. The plan of Lord Althorp did not sanction the appropriation of the public money for the purposes of education directly to those schools. It merely authorised them to receive grants of the public money for the purpose of building schools, under particular rules and conditions. The grant under that plan was therefore neither more nor less than a mere outlay of money to those societies. The matter was a mere vouching of accounts, and the State, under that plan, took no interference whatever with the matter of the system of education taught in those schools, that might be so built by the aid of Government money. And so long as the Government of this country had adhered to the principles there laid down, and confined themselves strictly to the observance of its purpose and limitations, he had been content; but he was not prepared to advance one step beyond the line of demarcation therein contained. A good deal had been said on the subject of public opinion in the course of this discussion. The hon. and learned Gentleman, the Member for Dublin, had evinced something like a disposition to depreciate the expression of public opinion expressed in opposition to the plan of her Majesty's Government. He had said the petitions so presented were paltry in the number of signatures attached; and his right hon. Friend the Chancellor of the Exchequer stated they contained vague and absurd conclusions; that they had been got up under false impressions and misrepresentations, and not to be regarded. If such were the case—if popular opinion had not been strongly, fairly, and irresistibly expressed —what, he would ask, was the reason which had induced her Majesty's Government to withdraw their original plan? Had they done it voluntarily? or was it really given up? Was it, in fact, abandoned, or merely postponed for further consideration, to be renewed the moment the present excitement and pressure should subside, and a fitting opportunity should occur for its revival? He did not hesitate to say, that if this vote were carried, in three months her Majesty's Ministers might carry out the abandoned plan. His right hon. Friend, the Chancellor of the Exchequer, had found fault with his noble Friend, the Member for North Lancashire, because he had objected to the proposal of placing the proposed grant under the discretionary power of an irresponsible tribunal. His right hon. Friend had argued that the Committee of the Privy Council were not irresponsible. He (Sir James Graham), on the other hand, maintained, that if they consented to give the Committee of the Privy Council the control of the public money, they would with their eyes open vest it in the hands of persons possessed of a perfectly despotic and arbitrary power. What could be more thoroughly irresponsible than the plan proposed? They were no longer to be tied down by the rules which were prescribed in relation to the grants to the British and Foreign and National School

Societies; but there was now to be an express irresponsible discretionary power reserved, to give a portion of the public money, to any amount within the limit of the whole, to such schools as they might see fit, without distinction or preference of religious creed. It was not his intention at that hour to detain the House at any length; but there were one or two points to which he was desirous still more particularly to refer. He was, however, he begged to say, always averse to enter much upon such topics: he always felt strong aversion to discuss theological questions in that House. He was aware of the great diversity of opinion on such subjects, not only in that House but throughout the country; and he was always sorry to give offence to any one. But it had been asked what is meant by the "truth"? It was declared to be the duty of the State to uphold true religion, and then the question was put what did that imply? What, in fact, was true religion or the "truth?" No one could admit more distinctly than he was prepared to do, that no one sect had a right to assume the knowledge of the truth in a manner offensive to the other portions of the community. He was ready to contend, that man was not reponsible to his fellow-man for the nature of his religious opinions. For those opinions and those sentiments, he was answerable to his Creator alone. He gloried in the name of Protestant, and it was a ground of proud pre-eminence in the Protestant creed, that it repudiated all interference with the peculiar belief of any man, and left every one perfectly free to his own private interpretation and judgment of the sacred truth. That was the true ground of toleration, that man was not responsible to man, and that it was presumptuous for any man to say that the creed of his fellow-man was false. He would not detain the House by a detail of what were the principles of an established religion. It was enough to remark, that those principles were adverse to the admission of the plan of her Majesty's Government. That plan viewed no religious creed with favour; it went to admit an equality of right for State endowment to all. The moment that doctrine was admitted a paramount State religion was at an end. Now, in this country, the State had chosen the religion of the Established Church to represent the Government in religion, but in selecting that particular creed, the State still permitted each individual to be guided in matters of belief entirely by the dictates of his own conscience. The moment, then, they went beyond that, and admitted the right of the civil magistrate to apply the public money, not in accordance with that view, but as circumstances and his discretion might seem to warrant, then they would put an end to the Established Church—the existence of which he believed to be essential to the peace, the happiness, and prosperity of the entire community. Such opinions were not inconsistent with perfect toleration, for perfect toleration was satisfied by an admission of all classes to a full participation in the civil rights of citizenship, without reference to religious creed. But go one step beyond that—apply it to religious matters—and they would admit a principle inconsistent with the maintenance of an Established Church, the essential principle of which was preference by the State to one religious creed, without any interference with the rights of conscience in others. He would state his opinions without concealment, whether acceptable to the House or not. He was prepared to go the extent of complete toleration. To that extent he thought they had already gone in this country, and somewhat beyond it. To recede was impossible. That was undeniable. But to advance a step more would be most imprudent, especially when they considered the avowed latitude of sentiment of hon. Gentlemen opposite, and which, on this question at least, seemed to be adopted by her Majesty's Government. He knew there were many persons who thought they could accommodate the difficulty attending the application of those doctrines, as regarded a State religion, by the adoption of a middle course, and that they would be able to introduce a kind of arbitration between God and man; but such opinions he deemed visionary and impracticable. The great characteristic of the present day, the prevailing national evil, was a constant thirst for change and love of innovation—which stamped the features of the present superficial age in which we live. He (Sir J. Graham) earnestly desired to see education generally diffused, and he was for encouraging it among all classes by private means; but he very much feared that any combined plan for a system of national education, such as that in question, would inevitably fail. It was distinctly admitted, that the plan of joint education had failed in Prussia—that was admitted by the hon. Member for Waterford, and by other hon. Members who had previously spoken on the question at issue; yet what was the House now called on to do by the Government? To adopt a similar plan in this country. It was his conscientious belief, that if it were to be adopted it would have that inevitable result here as well as there. In his mind, there could be no sound education without religion; and there should be no education in any religion at the expense of the public but that of the Established Church. He believed that religion was one of the pillars of civil Government—one of the firmest props of the State. If it were shaken, the Government of the country would be shaken along with it; and if it were overthrown, then would the State be overthrown also. It was not his intention at that late hour of the night to detain the House any longer, but he felt called on to express it as his most earnest desire that the proposal of the Government respecting education should be intercepted in its further progress by the vote of the House that night. The root of the evil in his mind consisted in the appointment of the Committee in Council for the superintendence of education. While any such body existed, the House should address the Crown against it for the purpose of obtaining its removal; for it was his decided opinion that it would, if allowed to be followed up, lead to results disastrous to the State, and adverse to the temporal and eternal interests of the British people.

Lord *J. Russell* at an earlier period of the debate, should certainly have thought it his duty to endeavour to vindicate the plan of education proposed by the Government from the various and numerous mis-statements and misrepresentations which had been adduced on the subject in the course of the present discussion; but their great variety and number deterred him from entering on the task, and he felt, at that time, that it would be fitter to request the attention of the House to the principles called in question by one side and the other, and endeavour to show how far they were contained in the plan under the consideration of the House. Now, he must say, that he thought the right hon. Baronet who had just sat down had but incompletely answered the arguments of his right hon. Friend, the Chancellor of the Exchequer. His right hon. Friend had said truly, that excitement had been produced against the plan by not stating its principles fairly; and he asked hon. Gentlemen opposite to state the truth openly to the country, that the Government plan was opposed on the distinct ground, that no system of education was to be hereafter supported and encouraged by the State, unless it was conducted under the exclusive control and direction of the clergy. The right hon. Baronet had not directly maintained that doctrine himself—and the right hon. Baronet had denied, that the noble Lord who commenced this debate had ever supported that doctrine. Supposing, then, hon. Members opposite had not done so directly and openly, they had at least advocated that policy by implication; and although the right hon. Baronet was quite willing to allow complete toleration, he still considered, that to aid the education of Dissenters with the money of the State was inconsistent with the principles of the Established Church. From the principle of the right. hon. Baronet he entirely dissented. They might as well adopt the principle which the noble Lord, the Member for North Lancashire had adopted from the enlightened times of Henry 4th. They might say, that to the Church, and to the Church only, should be left the education of the people; but by that must be meant such education as the Church were prepared to give with their own funds, their own colleges, and without asking in a committee of supply for a vote which in the times of Henry 4th the Parliament would not have been asked for. When they said, as he thought they had done by their former votes on this subject, that the public ought to promote education by grants—when they said, that out of the taxes should come those grants, and that schools should be supported by those grants, he could not support the principle, that any person should be debarred from the benefits of those grants, and by giving to certain classes, names which might be unpopular, that they should be debarred from the fruits and advantages of the public money, which was taken indiscriminately from their means and resources, as well as from those who belonged to the Established Church. In asserting that to be the principle which he maintained, he denied, that he was departing from the real principles of the Established Church. He held, that throughout this country, teachers of the Established Church should be maintained, but he did not consider, that those teachers should have the entire control of the money to be appropriated by the state for education. While he admired the exertions of the Church, he utterly denied, that in proposing this vote for public education, that he was bound by any such rule. It was a different matter how the principle which he maintained should be carried into effect. The first plan proposed by the Government had been objected to on a misapprehension. It had been supposed, that the principles of the model school were to be adopted as the guide and rule of all schools throughout the country. On that subject he would venture to read an extract from what he had said on this subject in introducing the subject of education to the House on February last. He had then alluded to the difficulties which attended the establishment of any combined system of national instruction in these terms:—

"It was obvious, that a Government attempting any system of education in our own country would find the ground in a very different state, because it had been occupied in great part by those societies and institutions which had voluntarily undertaken the task of educating the people. They would find it occupied to a certain extent by the Established Church, and in other parts by the Wesleyans and other Dissenting societies, who gave education according to their own religious principles. For these reasons it would not be possible to establish any system of education which should at once supersede those recognised and established modes; and even were the new system allowed by Parliament generally to be a much better system of education than those at present existing, it could not be expected immediately to supplant and come in the place of those various schools at present in operation; in short, no general system could be introduced without doing violence to the habits and feelings of the people of this country. Such a plan was unsuited to these kingdoms, and was likely to be unsuccessful if attempted."

On the subject of normal schools he had also said that—

"He was ready to state to the House what were the measures which the Government thought were in the first place most desirable. He would say, then, that the measure which was most desirable was the establishment of a good normal school. He said a good normal school, for whatever might be the religious differences of the Church and the British and Foreign School Society, yet there must be questions which were not at all touched by their differences, in relation to which he thought, that persons must find the systems of both of them defective, and he thought it would also be found, that there were modes of education, some of which were in operation in foreign establishments, and others in this kingdom, by which the general system of education in this country would be much improved. It would, therefore, be the endeavour of this body to apply the money granted by Parliament in the first place to the foundation of a normal school, and to make it as perfect as possible."*

And yet in the face of that express and distinct statement it had been argued, that the principles of that model school were to be enforced in all schools throughout the kingdom. Hon. Gentlemen had talked of the difficulty of carrying out a combined system suitable to each religious sect; and the noble Lord, the Member for Dorsetshire, had argued for half an hour against what he termed a principle of general religion. The only misfortune was, that the terms general religion were not to be found in the Government plan. But the difficulty of providing a system agreeable to different religious sects had been overcome, not only in the schools of the British and Foreign School Society, to which he had for many years belonged, and whose principles he adopted, but by many of the Established Church. He had been told, that in these schools the rule was, that the Scriptures should be read in the week days, and the catechism be reserved for Sundays, so that Dissenters might send their children to their own places of instruction on the Sabbath. So far, therefore, from this being an insurmountable difficulty, it was one that was overcome every week in the year, not only by those whose plans the Government were said to adopt because it was not religious, but by clergymen of the Established Church, who wished to instruct the people of their parish, and yet made allowance for Dissenters, without uncharitably excluding them from their schools. He did not wish to go into the phrases that had been used with regard to the first plan, but he was ready to declare that the principles of that plan were sound, and to defend the mode in which it was proposed to carry that scheme into effect. But hon. Gentlemen had, in that

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* Hansard, vol. xlv. p.p. 275 and 281.

House gone far beyond what was said by the ministers of the Established Church. He had heard it stated as a proof of the Government scheme being irreligious, that anything might be taught in the schools which was not the doctrine of the Church of England or of some particular sect. Did they mean to say there could be no religious instruction except that which was confined to the distinctions between different bodies and sects of Christians? Was there to be no religious instruction except that which discriminates between Protestants and Papists, and between Presbyterians, Anabaptists, and other sects of Christians? Now, there was one book which he thought no person would object to his quoting; it was "Dr. Paley's Evidences of Christianity," and in that work Dr. Paley said, at the conclusion of his Preface, that he had framed his arguments in such a manner as not to offend any particular class of Christians who held certain tenets, but agreed on the general points. Now, if that book, which any person might be glad to read and draw instruction from, and which we were told was written to prevent infidelity, was not to be objected to from being general with regard to adults, to whom it was directed, why might not some general system apply to children under fourteen years of age? He could mention the works of many persons who were greatly admired, although they were not of our own Church, to the same effect. There were the works of Fenelon; that excellent man had written an admirable treatise on female education; he had spoken of the manner in which religious education should be given—not in a formal manner, as a Catechism learned by heart, but that the thought of the child should be directed to what he learned. It was certainly said of that work, that it was a proof Fenelon was not a good Roman Catholic with respect to the education of children, because he did not keep to the particular doctrines of the Roman Catholic Church, and point out the differences between the Roman Catholics and the Protestants. The doctrines that were now put forth by hon. Gentlemen opposite might be true; but he would rather imbibe the errors of Paley and of Fenelon than bend to the authority of the new doctrines which were now proposed. The hon. Gentleman, the Member for Newark, with other Members, maintained the exclusive doctrine. That hon. Member had said at the time, though somewhat irregularly, that such doctrines would lead to persecution and intolerance, and it was clear from what the hon. Gentleman had said, and from what he (Lord John Russell) had read of the hon. Gentleman's writings, that his objection did not apply only to this new grant for education, but to the religious liberties which were already established. The general system adopted in this country was attacked, it was considered as a matter of capitulation and of treaty which could not now be violated; but hon. Gentlemen refused to be bound by, they refused to admit the principle and there was no part of the religious liberty of this country, from the passing of the Toleration Act to the present time, to which they were not opposed, and against the principles of which they did not protest. He must state further, with regard to the principle which was now proposed, and to the way in which it was intended to carry it into effect, that hon. Gentlemen opposite did not entirely object to the principle—they seemed almost to admit it. The grants were to be made to the National and to the British and Foreign School Societies, in some cases not through the medium of those societies, on the ground of the poverty and the population of particular districts, or through the medium of schools not connected with those societies. The exception taken by the hon. Gentlemen was to a small part of the plan. Some parts of the plan they did not deny to be good – they denied the second principle in the plan, and on that the present motion was founded. "It is very well to adopt the plan of instruction," said they, "when the fund is administered through the medium of the Board of Treasury! The Chancellor of the Exchequer sitting at the Board of Treasury is a very harmless person, but the Chancellor of the Exchequer sitting at the Board of Privy Council is a most dangerous enemy." He did not mean to contend that the plans were identical, that there was no change between the one and the other. There was this difference, that there was to be a future inspection of the schools, and that there were to be reports as to the manner in which the schools were conducted. He thought that it was a great misfortune that a great deal of the education which was given in this country —and here he was not speaking with reference to the Church, for he did not wish to blame, on the one part, the Church for what had been done for education, nor to blame the two great societies on the other —was not what was properly called education;—it was a certain degree of instruction which enabled the pupils to read and to write and to cipher; but it did not affect the hearts and the minds of the people instructed. It was not sufficient to tell him that 590,000 persons were educated in the National Schools, and that nearly a million attended the Sunday Schools, for he was obliged to say from all he had heard, and from various reports which had been made to the Government and to Parliament that the quality of the education was exceedingly defective. He might read numerous passages from reports on this subject, but he would confine himself to one or two from the reports of the chaplains of gaols, who were members of the Church of England, pursuing their most useful and meritorious duties. The chaplain of the gaol at Lancaster said in his report of 1838, that

> "516 prisoners were quite ignorant of the simplest truths, 995 prisoners were capable of repeating the Lord's Prayer, 37 prisoners were occasional readers of the Bible, 7 were familiar with the Holy Scriptures and conversant with the principles of religion. Among the 516 entirely ignorant, 124 were capable of repeating the Lord's prayer. This last table corresponds in its general features with that of last year; and I can add little to the observations which I then made upon the subject of ignorance in religion, unless it be to state that very few of the whole 1,129 persons, probably not more than 20 or 30, had habitually attended any place of divine worship. This estimate will be almost undisputed by all those who have observed the almost general desertion of the house of God by that portion of the working population which consists of males in the prime of life; and I think, that if the subject were investigated, it would appear, that this desertion is in the ratio of the density of the population. Village congregations would be found least obnoxious to this remark, and those of large towns most so.'

He would ask whether this were not a dreadful peculiarity in the state of society? Was it not dreadful to think, that where there were the most criminals, and where the population was the densest, and where there ought to be as complete education as possible, the house of God (by which no doubt the reverend Gentleman meant all places of religious worship) was deserted by that portion of the population which consists of males? He would ask, whether, it were not desirable that the serious attention of the House should be directed towards doing something by which the instruction of the people would be further promoted? He could not say, that he thought much of the objection, that in one place they would be instilling some portion of the doctrines of the Roman Catholics, and that in another, the rules of Socinianism might be taught, for there was the great and countervailing advantage of imparting knowledge, and of giving instruction in the simplest elements of religious truth. And even if he agreed with the hon. Gentlemen opposite in their opinion of the character of the doctrines of Roman Catholics and of Unitarians, yet he was not prepared to say, that there was not more danger of promoting practical infidelity by total ignorance, than of infidelity gaining ground among a dense population of artizans and labourers, who were forced to earn their daily bread by the specious and theoretical influence of refined arguments, which rarely reached the heart and soul of more than a small portion of the community. He had given one extract from the opinion of the chaplain of the county gaol of Lancaster, and he must give another from a report which he had received only two days ago, from a clergyman, for whose report he had not asked, whom he had never seen, but whom he had, from his merits and for his high character, appointed to the situation of chaplain to the prison for juvenile offenders at Parkhurst. In that report, he said:—

> "In reviewing and digesting the details exhibiting the religious and moral condition of the prisoners on entering Parkhurst prison, one point has (even with their present limited number) forcibly struck my attention, and that is, the comparatively large amount of acquirement in the mechanical elements of instruction, by means of which that condition is improved (the art of reading and repetition from memory), contrasted with the lamentably small degree of actual knowledge possessed, either of moral duty or religious principle. This appears mainly to have arisen from the meaning of the word read, or sounds repeated, having rarely been made the subjects of enquiry or reflection. The following digest will in some degree illustrate this position. Your Lordship will perceive, that although 58 prisoners can in some degree read, 83 repeat

some or all of the Church Catechism, and 43 possess some knowledge of Holy Scripture, only 29 (exactly half the number of readers) can give even a little account of the meaning of words read or sounds in use. And of these it often appears to be the strength of the intellect exercised at the moment, and not the result of memory, that leads them to the meaning of a word. A few of this class are included in the number not able to read. Another feature of the moral condition of the Parkhurst prisoners cannot but arrest the attention strongly, and that in the very large proportion that have received instruction for a considerable period of time in the various schools with which our country abounds. A digest of this portion of the general table will show. that out of 103 lads, 95 have attended schools, 70 of whom have been day scholars, for terms longer than a year, eight only having never been at school; and of the 51 prisoners with whom the prison opened, and who formed the subject of my February report, only two are in that condition. Two of those mentioned to your Lordship, as being such, I have since ascertained, have been at school."

Now, he said, that what really deserved the attention of the House was, that though under the present system, many were able to read, and had received the elements of education, yet that what was wanted, and what they ought to attempt, was to give such instruction as would excite the intelligence of the children, raise their curiosity, teach them the meaning of words, and implant in their hearts those doctrines which were to be their guides through life. If that were the case, was he to blame because he said that in continuing the grants for public education, the committee of the Privy Council should not only give the money in proportion to some financial statement of the amount of subscription raised, or of the quantity of brick and mortar that might happen to be put upon the ground, but should ask for an inspection, and for a report of what is actually learned. He thought that there was a great improvement in the modern art of teaching—for though teaching was followed by great men in other periods, yet the improvement in the art was not brought down to the poorer classes till late years—that improvement, instead of burdening the memory, and rendering learning irksome and disagreeable, taught the child to instruct himself, and to follow with curiosity the lesson which he learnt, so that, if he were afterwards asked by his master as to what he had learnt, he would be able to describe it. This system not only prevented the irksomeness which was formerly felt in common school exercise, but would apply to the instruction of the child in morals and in religion, and in useful arts. This was the system which was misrepresented. Advantage was taken of it, and they were told, "The meaning of your inspection is to make rules and regulations with respect to religious instruction." They might ask, however, whether, if the method of teaching general lessons were good, there would be a strong presumption that the religious education would be good; but if a low and an ignorant and coercive mode of instruction in secular matters were used, the religious instruction would not be likely to be of such a character as to improve the conduct of the child in future life; the seed would have fallen on barren ground, and the instruction would be of no use. On these grounds he advocated the present plan of the Privy Council. It contained two great features, and it would improve the education of the people. He would not say that it was confined exclusively to the children of churchmen: the education, so far as it could, would be extended to all classes of the people, to whatever sect or religion they might happen to belong. Of course the greater portion of the fund would go to the members of the Established Church, which had the greater number of schools. The second point in the plan would give a good and efficient system of inspection. The plan which he proposed was not a new scheme of national education in the country; and so far from the scheme being out of the control of Parliament, it would be annually brought under its view; and, in future, the great subject of education will receive that care, that interest, and that concern on the part of the State, which it never hitherto has received. I feel, continued the noble Lord, the great difficulty of bringing forward a plan of education which may excite misrepresentation, be made the object of a party struggle, and may raise the conscientious scruples and fears of persons of excellent intentions. I allow, I say, that this has pressed upon my mind, not only now, but in former times; and that I am aware of the obloquy to which such a plan may subject me. At the same time, Sir, I am of opinion that something must be done, and before I set down, the House will allow me, I hope, to say a few words on the condition of the people, which seems to me closely connected with education, and with our conduct on this subject. Sir, when I recollect the conduct of former Governments, of Governments which existed twenty or thirty years ago, I cannot help thinking, that at the commencement of this Session, they would have endeavoured to excite alarm at the views of the Chartists, they would have excited the fears of the public, they would have proposed to suspend the Habeas Corpus Act, and that new laws of coercion should be passed: it would have been found easy to excite alarm, and, if the Government had proposed, in consequence of the alarm, to obtain laws to put down the Chartists, such laws would have been easily obtained. My anxious wish, nay, my anxious labour has been—without any alteration of the law, and without attempting any thing of that sort—nay more, being determined not to ask, till the last moment, for any suspension of any of the constitutional rights of the people — to meet, to encounter, and to subdue the apprehensions which for a time menaced the peace of society; but, in doing so, I have been convinced that every opportunity should be embraced, and every means taken, to secure the public peace, by improving the state of instruction—by advancing the religious feeling, and the moral condition of the people of this country. I am satisfied that we should have had power to carry laws which would have subdued discontent for the moment; but I am equally convinced, that the only permanent security for the country is to be found in the general knowledge of the people, as well of their religious duties as of their moral obligations, and of their fortunate state as subjects in this free country. I feel, Sir, that in taking this course, and in making this attempt, I have had more opposition to encounter than I should have had, if I had taken the other course, and had proposed measures of severity and of coercion. But, Sir, I do not mind the opposition I have encountered. I am not to be deterred by the taunt of the hon. Member for Newark, who said that he wondered why, when we were defeated in our former scheme, we should attempt another, which is equally objectionable to Dissenters and to Churchmen. Although, Sir, my first plans were thwarted and defeated, at which the hon. Gentleman, no doubt, rejoices, I recollect that it has happened to me, in former years, to succeed in striking off from the Dissenters the degrading fetters of the Test and Corporation Acts. I am quite prepared for opposition to plans of this kind—I am quite prepared to find, that when they are first proposed, they should be misunderstood and misrepresented, and that even the "no popery" cry should be revived and burnished up afresh—not, Sir, I fear, for the last time. Let the hon. Member for Newark take pride in such victories, but I do not believe that he will succeed in reimposing the fetters which have been struck off; and, Sir, I am fully convinced that, on further examination, the great ~~cause~~ of education, not only of the members of the Church of England, but of the whole community, will prosper and flourish, that the happiness of the people will be secured, that the degrading pictures which have been drawn of the population in 1839 will soon be regarded as pictures of a past time, and that the only wonder will be, that they could ever have been true representations of the condition of the people of England.

Sir *R. Peel* said, I shall not be sorry to escape from the discussion of some topics which have been adverted to in the course of the present debate, not because I undervalue their importance, but because I consider them much too important for discussion in a popular assembly. Neither will I undertake to defend every opinion which has been advanced in the course of the debate. I mean, said the right hon. Baronet, that I shall confine myself to the consideration of the practical merits of the proposal on which we have to decide, rather than to the consideration of the speculative opinions which may have been advanced by the hon. Member for Newark, or others. If I did enter, at this time of night, into the discussion of such speculative opinions, involving so many various considerations, do I not know I should be imitating the example of hon. Gentlemen opposite, and diverting the House from that which is the practical question now under debate; namely, whether or not, it would not, on the whole, be best, that the noble Lord's motion be acceded to, and the Crown addressed to rescind the Order in Council, by which the committee of education had been appointed? That is the practical question to be decided this night, and I give my hearty concurrence to the motion of my noble Friend, and will not follow her Majesty's Government and other Gentlemen on the Ministerial side of the House, who has been anxious to shrink from the consideration of the merits of the proposed plan. I object to the scheme of the Government on three or four distinct grounds. In the first place, I object to the course adopted of calling on the House to decide so important a question as this, laying the foundation of a system of national education by a single vote. The right hon. Gentleman opposite has quoted some former votes, by which sums of money were placed under the control of the Government, without asking for the opinion of the House of Commons. Does it follow, then, that because the House, upon uncontested points, has adopted such a course, that it must now decide the whole question of national education for England by a single resolution? If this does follow, then I advise the House to beware of the next concession it makes —for, if slight analogies are to be hunted out for the purpose of calling on the House, in consistency, to adopt a principle supposed to be similar to that which the House had before adopted, the concession it might now make, will, at a future time, be appealed to for the purpose of justifying still greater concessions; and the House, if it makes any objection, will then be told, that it came too late, for, on this very night, it ought to have been urged. The noble Lord says, that the scheme for the inspection of schools was only under consideration, and asked whether we object to the distribution of the money by what was called the Committee of Privy Council? What was the original proposition of the noble Lord? That five of her Majesty's servants should form a committee for the consideration of all matters affecting the education of the people. What if I had proposed such a scheme in 1835, what would the Dissenting bodies of this country have said to it? Do you not think it would have provoked their apprehension and alarm? Would you not have called upon me to respect the feelings of the Dissenters? Would you not have said, that their alarm was justifiable? Well, then, if the Members of the Establishment feel similar alarm at the proposal now made; if they think that it was not fitting that a committee of the Privy Council, excluding every Member connected with the Church, should be formed, and that it is in principle open to objection, then, I say, that the question assumed a new character, and that it was not proper to decide upon it absolutely by a single vote taken in one night with a narrow majority. According to the reference to former concessions, her Majesty's Government are, by this measure, laying the foundation of an extensive scheme of national education. The next step they take may be at a great interval from the present. But if her Majesty's Ministers can now appeal to the vote for Irish education, or to the speech of my noble Friend (Lord Stanley), with respect to the admission of Dissenters to this Universities, in justification of their present proceedings, and if they feel warranted in calling upon the House to assent to this scheme in consequence of the concessions already made, I can well foresee that three years hence they may be able to say, that the scheme now proposed and assented to, was only laying a foundation for a general scheme of education, and that those who permitted that foundation to be laid, had no right to object to any extention of it. I object to this Committee of Privy Council, which is to superintend all matters affecting the education of the people, being exclusively composed of Members of the Executive Government. It is not a Committee of the Privy Council, as my noble Friend has called it; it is a Committee of the Executive Government of the country, and that Executive Government had other duties to perform, and other interests to consult. That Executive Government may feel it to be its bounden duty to make great concessions for the purpose of retaining their offices. I will give them the benefit of supposing that they may think it necessary to continue in office, not from any unworthy or interested motives. They may feel it a paramount duty to remain in office, in order to support the prerogatives of the Crown. Their motives may be pure and honourable. But it is not proposed to constitute a board independent of party or of political considerations. The Board is constituted exclusively of members of the Government, and how do I know that, in order to rescue themselves from the danger of dismissal by this House, they may not, for the sake of so important a public object, make great concessions on the subject of education? They may consider education a subordinate object to that of keeping themselves in office, and keeping out opponents, whose accession to power they may consider dangerous. [*Hear, hear.*] What guarantee have we that this would not be the case? The very essence of our duties was jealousy of the executive, and we have a full right to consider to what abuses the present proposition may lead? What have we seen happen within the last fortnight? Allowing the motives of ministers to be perfectly pure, have we not seen them resume office after declaring they had lost the confidence of the House? They justified themselves by pleading the necessity of the case; and may not the same necessity call on them to make concessions on the subject of education. Take the case of the ballot. Last year it was not an open question. This year it was an open question. Now, why? Not from your abstract conviction as to the merits of the question, but because the concession is essential to your views with respect to those large and comprehensive interests of the country, which are involved in your maintenance of power. Is, then, the Government a body which ought to furnish grants relating to all matters which affect education? An hon. Member opposite has bid the Government be of good cheer; he has encouragingly told them not to be alarmed, "for," said he, "you have done more to recommend yourselves to the liberal representatives and the liberal constituencies of this country by this plan than by any other measure which you have brought forward." Is it so? But may not the execution of the measure be as necessary as its proposal? I do not know whether the very same members of the Executive Government who form the Education Board may not also form a committee to whose efforts may be intrusted the securing of a liberal majority in case of a dissolution of Parliament. Supposing, then, it should be suggested by one of the members of this committee, that a concession made by the Government on the subject of education to a particular part of the country would be attended with an advantageous result, in case of an election, is it wise to expose yourselves to that temptation? and would it not be wise to have some persons intrusted with the superintendence of education whose continuance in office would not depend upon a narrow majority in the House of Commons? Remember, however—and let the Dissenters remember—that if the principle be good for this Government, it is good for their successors. If a change of Government should unfortunately take place, you have established the principle that the next Government, whatever it may be, will be the body deputed by yourselves to manage the general education of the country. They will introduce their views also with respect to the superintendence of education. Suppose, then, that their views should be, that it is not wise that a system of education, so far as the Establishment is concerned, should be carried on without the supervision of the chief ecclesiastical authorities belonging to the Establishment. Suppose that they should make the Bishop of London and the Archbishop of Canterbury, both, be it recollected, members of the Privy Council, members of the committee of Privy Council, what objection could you urge against it? I do not know what objections the Dissenting body might entertain to such appointments; I am not prepared to say how far the force of newly-formed habits may influence their conduct, but this I will venture to say, that if Lord Liverpool, fifteen years ago, or if I myself, five years since, had proposed that the Government should be the body to whom such a power should be granted, and that, by three words, three important words, thirty thousand pounds, which were to be placed without condition or restriction at the control of the executive Government—if this had been attempted, then, I say, that whatever may be the number of petitions, which have been presented against the plan of the Government, the petitions of the Dissenters against such a scheme would have been at least equal to them. You say that you are responsible to Parliament. Responsible to Parliament!—Why, how is responsibility to Parliament insured if the measures by which education is to be carried on are to be prepared and executed without the consent of Parliament? You constitute yourselves a committee to superintend the education of the people of this country, in consequence of a solitay vote of the House of Commons. This board is constituted of persons upheld by a Parliamentary majority of ten votes. Another may succeed it, supported by a majority of twenty-one votes, a majority, too, which this year granting 30,000*l*., may next year grant 80,000*l*. for the education of the people. I say, then, that this is an objection which I feel to the Government plan, and that it is an objection which ought to be felt, not only by the Dissenters, but by the Church of England. The right hon. Gentleman, the Chancellor of the Exchequer, is fond of quoting opinions backed always by high authority, but he does not tell us the names of the individuals from whom they proceed, till he imagines we are all ready to assent to the propositions laid down. Now I will imitate him. I will read opinions given by two grave authorities; I will conceal their names; I will not tell you whether they come from high ecclesiastical authority, or whether they were pronounced by persons holding strong Conservative opinions. You shall have the opinions themselves. The noble Lord took a different course from the right hon. Gentleman; he quoted Paley and Fenelon, and told us so, but I shall follow the example set by the Chancellor of the Exchequer. These opinions were not delivered at a very remote period. I am constantly told that I am behind the spirit of the age, and I suppose that the charge is true, for I find that if I take up the position which her Majesty's Government took up last year, and hope for some expression of gratitude from them for adopting their sentiments, I find myself, I say, exposed to a raking fire from them, and attacked on all sides for my illiberality. The first I will read is this:—

> "With this difference of opinion on the subject, he confessed he did not see, until there was more likelihood of agreement among the leading persons who were in favour of the general education in this country, that it would be a good plan to establish a general commission or board by the Government, because, whatever board might be constituted, would create a jealousy on the part of all those who were opposed to them."

The other opinion I shall read is this:

> "That the interference of Government, by appointing a commission or board of education in the present state of the question, would create great jealousy among all parties, and would be injurious to the purpose of education itself. He therefore hoped the motion of his hon. Friend would not be persisted in."

These opinions were expressed by the noble Lord, the Secretary for the Home Department, and by the right hon. Gentleman, the Chancellor of the Exchequer. They were delivered last year upon the subject of appointing a board or commission of education. Is not this a board of education which you are about to appoint, and can you resist voting for the motion? I see the noble Lord opposite making great protestations against this proposition, but what it is founded on I cannot guess. You objected to the appointment of an education board, on account of the then excited state of the public mind. Oh! I see the difference. The public mind is now so calm. No jealousy is now felt on the subject of education, and the suspicions and apprehensions which were formerly excited have since been entirely soothed by the particular plan which her Majesty's Government have proposed. I object to the plan on another and a distinct ground. Now, observe, I do not maintain this position, that the Church has any right to interfere with the religious instruction of all the children educated in these schools, and I never understood my noble Friend to say so. I understood my noble Friend to say, that in the case of the established religion, education was intimately connected with it, and he referred to the authorities, that of Lord Holt having been quoted among the feudal authorities, not to show what it was contended he wanted to show, that the Church had a right to exercise control over Dissenters, but that it was entitled to have some share in the national plan, in so far as the education of members of the national church was concerned; and this suggestion on the part of my noble Friend hon. Gentlemen opposite have found it more convenient to misrepresent than to answer. I disclaim, therefore, any intention to demand for the Church Establishment the right to interfere with the religion or the other institutions of those who are Dissenters from its doctrines; This, however, I claim for the establishment, that no system of national education shall be founded which studiously excludes from the superintendence and control of education given to the children of the establishment the dignitaries of the Established Church, and if such a proposition be disagreeable to the feelings of the members of the establishment, I say that it is a violation of those feelings to ask them to contribute to a scheme of education conducted under the superintendence of a board from which those dignitaries are to be excluded. Will the noble Lord tell me what is his definition of an establishment? The noble Lord had quoted Paley. Did the noble Lord mean to say that he agreed with Paley? For my own part, with respect to members of the Established Church, I beg to say that in any system of education to be adopted, if you mean to uphold the principles of the establishment, you ought not to exclude from the control of the system of education those who were of the greatest importance. If the object of a Church Establishment be the instillation and communication of religious knowledge, do you think it wise to establish this principle, that the education of children of tender years should be separated altogether from doctrinal instruction in religion? On what ground will you exclude members of the establishment from constituting a part of the board, so far as the instruction of children is concerned? Do you think that it was proper to hold out to the rising generation that in their education all religious instruction should be excluded? and do you hope to fit them to become good members of the establishment, if in the system of education for them the doctrinal part of religion shall form no part? This is a most grave question, whether it be considered as producing harmony or not, in relation to giving the people a system of joint education upon the principle of the noble Lord. Some time ago I certainly did foresee that great advantages might arise in Ireland, under the peculiar circumstances of the people there; that there was some chance of soothing the excitement which prevailed, by making some concession on this point. But when the system of education was adopted for Ireland, every effort was made to avoid that circumstance being made a precedent; it was particularly explained that the proposition which was made was only acceded to under the peculiar circumstances of the case, and the concession was only made because it was considered that it would contribute to the welfare of the people in their after life. I confess, however, that subsequent reflection has led me to entertain at least great doubts on this point. So far as the institutions of the establishment are concerned, I have come to this opinion, that it is infinitely better that they should be doctrinal institutions; and, I think, that the House should not shrink from its duty in educating the people in the principles which they themselves support, whereby they are much more likely to make them good members of the Church and of society, than if they brought them up shrinking from the maintenance of those doctrines which they would be afterwards told they must support, I very much doubt whether we shall promote future harmony by giving them together secular instruction, and then handing them over to their separate religious teachers, who will convey information to them upon the particular creeds which they support on particular days. If I were a member of a different establishment, I should prefer giving a child of mine general instruction only, telling him, at the same time, that religion should form the basis of his education, and should be closely interwoven with it, to consenting to exclude the principles of religious instruction from the daily course of his education in the school in which he should be brought up. But with respect to the Established Church, I hope, that rather than consent to any plan from which ecclesiastical authority is excluded, it would separate itself altogether from the State on this point; that it would take the education of the people into its own hands—that it would not shrink from insisting on the publication of its own peculiar doctrines, but that it would demand that the highest respect should be entertained for its power by its being inculcated in the minds of children that religion formed the basis of all education. I very much doubt whether the principles of the Christian faith being thus inculcated among children, as good a chance of harmony would not be secured as by telling them religion was an open question, and that each of them was to be instructed by a minister of his own creed on a certain day set apart for that purpose. Ample reference has been made to the state of religious instruction in the United States. Hon. Gentlemen who had very extensive information in reference to Prussia and the United States had spoken upon the subject, and had more particularly quoted the cases of New York and Massachusetts. As to Prussia, the principle had been abandoned, for the hon. and learned Gentleman has distinctly declared, that the Prussian Government had abandoned the attempt of uniting children in a system of secular instruction only, and of giving them separate religious instruction upon such creeds as they might be disposed to follow. I have attempted from that interest which is necessarily taken upon this subject, to gain some information with respect to the success of the plan adopted in America, and it appears to me that this was very like the plan suggested by the noble Lord. A general religious instruction, that was to say, that the children should be instructed in the general interests of Christianity, and that on certain days, they should be instructed in their particular creeds. I hold in my hand the Second Annual Report of the Massachusett's Board of Education, published at Boston, and bearing date the 14th January 1839. It sets forth the principle which is embodied in the legislation of the Commonwealth on the subject of school books, and which provides, that "school committees shall never direct to be purchased or used in any of the town schools, any books which are calculated to favour the tenets of any particular sect of Christians;" and in another place, "the principles of Christian ethics and piety, common to the different sects of Christians will be carefully inculcated, and a portion of Scripture will be daily read in all the normal schools established by the board." Now, this is your plan. How does it work there? What says the secretary in his very able report? It is impossible that any man can be more desirous of its success. Yet here is his testimony of the result. He says—

> "In my report of last year I exposed the alarming deficiency of moral and religious instruction then found to exist in our schools. That deficiency, in regard to religious instruction, could only be explained by supposing that school committees, whose duty it is to prescribe school books, had not found any books at once expository of the doctrines of revealed religion, and also free from such advocacy of the 'tenets' of particular sects of Christians, as brought them, in their opinion, within the scope of the legal prohibition. And hence they felt obliged to exclude books, which, but for their denominational views, they would have been glad to introduce."

I beg to know how the noble Lord could evade this in his plan? It would not exclude the existence of scruples among any denomination of religious Dissenters. It would not heal the differences of opinion entertained by the ministers of religion according to their several and peculiar professions. The report further says:—

> "Of course I shall not be here understood as referring to the Scriptures, as it is well known that they are used in almost all the schools, either as a devotional, or as a reading book."

Now, I beg the noble Lord to consider whether this system, which has so operated in America, is not founded upon precisely the same principle as that upon which the plan of her Majesty's government was framed. It is a sytem, not excluding the Scriptures—allowing the Scriptures to be read, but not allowing them to be taught upon the principles of any church—permitting them to be used for the purposes of instruction, but leaving it to the ministers of the various religious denominations, to teach the children in accordance with their particular religious views. What says the Secretary, to whose report I have already referred, as to the working of that system? Why, he said, that there is "an alarming deficiency of moral and religious instruction." That is just the result which I anticipate from the system suggested by her Majesty's Government, as applied to the habits and modes of thought of the English people. "If you were to adopt such a system, not making education in the principles of faith the basis of instruction in this country, you will find it extremely difficult to establish that sound, moral, and religious knowledge which can only be founded upon our conviction in early years, that religion is the first object of instruction." That is the second ground upon which I object to the plan proposed by her Majesty's Government, namely, that as far as the children of the Establishment are concerned, I think it wholly unwise to exclude the direct superintendence and authority of Ecclesiastical authorities. I think that those authorities ought to be brought forward distinctly for the purpose of superintending a plan of education in the principles of the Establishment. I object also to the plan of her Majesty's Ministers upon the very grounds upon which it has been supported by some of its advocates, which, as my right hon. Friend has justly observed in the course of the debate, are grounds directly inconsistent with the maintenance of a religious establishment. No answer has been given to that argument. If you are under an obligation, as you say you are, to teach the children of those who dissent upon the grounds which you allege, namely, that you fight with Roman Catholic sinews, and support your system with Unitarian gold—if that be the ground upon which you are bound to educate the children of Dissenters, in the first place let me ask, why you shrink from educating them in the tenets of their particular faith? If that be your ground—that you take their gold and make use of their strength—how do you answer this question? Why, are you not bound to provide them the means of religious worship in accordance with their several creeds? Where do you propose to draw the line? You profess to draw a line, but do not tell us where it is to commence. All your supporters indeed do not draw a line. The hon. and learned Gentleman opposite, and I must say I think he is the only one who foresees or avows the consequences to which the Government plan may lead, is prepared manfully to contend for them, as consequences which it is desirable to obtain. The hon. and learned Gentleman, if I understood him, maintains this proposition, that if you call upon the Jew to contribute to the exigences of the State, the Jew has a right to call upon you for the maintenance of his religion. [An hon. *Member*: But not to education in his religion.] Not to education in his religion! How do you draw the distinction? If you call upon the Jew to contribute to the education of the children of the Establishment, why may you not call upon the members of the Church to contribute to the education of the Jew. You say, that you do not decide against him—that you do not object to his religion; and I understood the hon. and learned Gentleman distinctly to say, that he foresaw the consequences to which the Ministerial plan would lead—namely, that as all would contribute to the support of it, so all would have a right to call upon the State not only for the tolerance of their religion but for contributions to maintain it. The third question I have to put to the Government is this—Do you believe, that any good will arise from the establishment of such a system as you propose? If you tell us that it is necessary, that a board should be formed which should have the public confidence, why did you not describe it in such intelligent and distinct terms, as to prevent the misunderstanding and the alarm, I think the perfectly justifiable alarm, which has sprung up in every part of the country in reference to your proposition? If you have so imperfectly described your views with respect to the construction of the Board of Education, that throughout the country you have awakened an almost universal apprehension in the minds of the religious public, do you believe, that any system of instruction, superintended by such a board would be likely to have the confidence of the great body of the people? Was there ever a scheme of education propounded in this country which met with such universal opposition? What answer do you give to the quotations which in the course of this debate have been made from the views of the Dissenters with respect to your plan? [Mr. *Hawes:* I have presented a petition in favour of the plan from the Protestant Dissenters.] The hon. Gentleman says he has presented a petition from the particular body to which I refer; and, if so, I have no doubt that it was in accordance with the opinions expressed in their resolutions, advertised, I believe, on the 15th June; and, in referring to them in his speech, that evening, the hon. Member for Lambeth had described them as the greatest friends of civil and religious liberty, although not of the three exclusive denominations; he spoke of them as a most influential body of Protestant Dissenters; and what do they recommend to the Government? Why, Sir, they advise the Government as a general rule to apply any further parliamentary grant in the same manner as those that have been previously made. That is in the support of the National School Society, and the British and Foreign School Society? They do not wish you to relax from the rule you have yourselves abused, but to extend it still further. But, Sir, there is another means of testing the opinions of the country on this question, and particularly so those of the various denominations of Protestant Dissenters—by the expression of their disapprobation or favourable consideration of the plan by petitions. What number has been received against the scheme? The hon. Gentleman opposite stated, that 1,650 petitions had been presented in opposition to the Government plan; but this included them only up to a certain period. And, here, Sir, I may say, that from those who are usually foremost in this House to claim attention to the expression of popular opinion, there has been a great inclination to treat the petitions against the scheme with disrespect. But, if any petitions have been alluded to on the other side which were of a favourable nature, the same influence has been exercised to enhance their importance, and claim for them the especial respect of the

House. But, Sir, the number mentioned by the hon. Member presented against the Government scheme, the number of 1,650, form but little better than one-half of the total received up to the present moment. Sir, I assume the real number at not less than 3,050. Do you think it likely, that 3,050 petitions would be produced, by the mere exaggeration of religious feeling? It would be most absurd to suppose it even. But as the hon. Gentleman opposite has referred to other petitions, let me now ask what is the number of the counter-petitions received—of those favourable to the Government scheme? Sir, against the scheme there have been 3,050 petitions presented; in favour of it we must deduct 3,000, rather than pretend to the semblance of equality, and declare the net number at 50. You told us last year [addressing Lord J. Russell] that you could not see how such a plan could be a good one, or how the constitution of such a board of education could do otherwise than lead to great jealousy and dissatisfaction. I have respect for your character as prophets—but, having had your worst apprehensions confirmed, I should have been glad to have seen that you had the manliness to admit it. I beg to ask what possible inducement other than religious motives and conscientious objections to the plan, could lead the Wesleyans to resist it. The Wesleyans say, that if their conscientious objections could be removed, they have a greater chance of benefitting by your plan, than if a return were made to the principle of last year, under which they were excluded altogether. The Wesleyans could receive nothing from the British and Foreign Society, they could receive nothing from the National Society. A plan for a grant has been proposed, in which the Wesleyan Methodists may participate; yet they choose this very time to come forward and renew their opposition to it. The Wesleyan Methodists have been treated like children. When they came forward in support of the anti-slavery question, and so strongly advocated the abolition of the Slave-trade, then credit was given them for the highest discretion and for the purest motives; but now that they come forward to oppose the Government scheme of education, although it is impossible that they can be influenced by any but the purest motives, they are designated as the victims of credulity and misapprehension, and their zeal is attributed to any motives rather than those by which I conscientiously believe they are actuated. It is clear you cannot pretend that your plan is approved of; and, I ask you, why you do not withdraw it and return to the system you adopted last year—the system first recommended by Lord Althorp? Why, I ask, should you discourage local contributions? Why should you, in this case, forsake the application of your own voluntary principle? Why should you deny the prayer of the 3,050 petitions? In short, what better can you do than rescind the Order in Council, and return to the rule you have already acted upon? Don't believe, however, that your measure will give universal satisfaction. I will again refer to the report of the United States of America, which is an excellent authority, to show how such a system will be likely to work in England. The right hon. Baronet read the following passage:—

"It seems that one William G. Griffin, with others, felt aggrieved at the practice which obtains, in some common schools, of 'praying, singing, reading the Bible, and other religious exercises;' and, therefore, 'prayed the Legislature to enact a law prohibiting the practice, in such schools, academies, and seminaries of education, as receive aid from the public treasury.' In recommending that the prayer of the memorialists be not granted, the committee go into a discussion of the subject which is remarkable for its clearness, candour, and cogency of reasoning, and such as must more than satisfy, we should suppose, every reasonable mind.

"The public schools established by law are supported by a state fund, and by taxation upon the property of the people. These schools are open to all, although none are obliged to send their children to them. But, says the report—

"'It is to these schools, as we are to suppose, that the children of the petitioners are accustomed to resort, and in some cases it is fair to presume that it is found exceedingly inconvenient, perhaps impossible, for these parents to furnish their children with the means of instruction anywhere else. They are, therefore, obliged to resort to these schools, or take the alternative of keeping their children in utter ignorance; and it is under these circumstances that they come before the Legislature with the complaint that, on resorting to these schools, they find there a practice introduced—that of indulging in devotional exercises—which they deem highly offensive and objectionable. The grounds of objection to this practice, as far as we can gather them from the memorial, are two:—

"'1. That the Christian religion is thus supported or aided at the public expense.

"'2. That the rights of equality and rights of conscience are thereby invaded, inasmuch as the unguarded minds of their children are thus exposed to be contaminated.'"

Such being the operation of the system in America, let not her Majesty's Ministers flatter themselves that they can give universal satisfaction. Unless in your scheme you limit religious education to the mere reading of the Bible, and exclude everything bearing upon the doctrinal altogether, you cannot otherwise respect the religious scruples of others; and I can see no means of escape from the dangers and difficulties by which the question is in every position beset, but by her Majesty's Government consenting to rescind the Order in Council. Sir, I object to the plan of the noble Lord on these distinct grounds. First, that if it were the feeling that such a Board of Education should be appointed—and the reverse is the case—it should not be appointed in the manner proposed by a single vote of this House. My next objection is, that any such Board of Education should be so constituted as to be exclusively formed of her Majesty's Ministers. Thirdly, I object, in reference especially to the children of members of the Established Church, that there should be an entire exclusion of the ecclesiastical authorities, who are properly placed in charge of the religious education of the community; and lastly, because there has been presented against the scheme petitions unequal in number, in purity, and for the disinterestedness of the views of those who present them; and because a temporary success, if the scheme were carried by a small and scanty majority, so far from advancing the cause of sound religious instruction, soothing animosities, and allaying discord, would be but the commencement of a new religious struggle of the very worst nature and in the very worst arena in which, in this country, such a struggle can be carried on.

The House divided on the original question, that the order of the day for a committee of supply be read:—Ayes 280; Noes 275: Majority 5.

List of the AYES.

Abercromby, hn. G. R.
Adam, Admiral
Aglionby, H. A.
Aglionby, Major
Alcock, T.
Alston, R.
Anson, hon. Colonel
Archbold, R.
Attwood, T.
Bainbridge, E. T.
Baines, E.
Bannerman, A.
Baring, F. T.
Barnard, E. G.
Barron, H. W.
Barry, G. S.
Beamish, F. B.
Bellew, R. M.
Berkeley, hon. H.
Berkeley, hon. G.
Berkeley, hon. C.
Bernal, R.
Bewes, T.
Blackett, C.
Blake, M. J.
Blake, W. J.
Blewitt, R. J.
Blunt, Sir C.
Bowes, J.
Brabazon, Sir W.
Bridgeman, H.
Briscoe, J. I.
Brodie, W. B.
Brotherton, J.
Bryan, G.
Buller, C.
Buller, E.
Bulwer, Sir L.
Byng, G.
Byng, right hon. G. S.
Callaghan, D.
Campbell, Sir J.
Cave, R. O.
Cavendish, hon. C.
Cavendish, hon. G. H.
Cayley, E. S.
Chalmers, P.
Chapman, Sir M. L. C.
Chester, H.
Chichester, J. P. B.
Childers, J. W.
Clay, W.
Clayton, Sir W.
Clements, Lord
Clive, E. B.
Codrington, Admiral
Collier, J.
Collins, W.
Conyngham, Lord A.
Cowper, hon. W. F.
Craig, W. G.
Crawford, W.
Currie R.
Curry, Sergeant
Dalmeny, Lord
Dashwood, G. H.
Denison, W. J.
Denistoun, J.
D'Eyncourt, rt. hn. C.
Divett, E.
Donkin, Sir R. S.
Duff, J.
Duke, Sir J.
Duncombe, T.
Dundas, F.
Dundas, hon. J. C.
Dundas, Sir R.
Easthope, J.
Elliot, hon. J. E.
Ellice, Capt. A.
Ellice, right hon. E.
Ellice, E.
Ellis, W.
Erle, W.
Euston, Earl of
Evans, Sir De L.
Evans, G.
Evans, W.
Ewart, W.
Fazakerly, J. N.
Ferguson, Sir R. A.
Ferguson, R.
Finch, F.
Fitzpatrick, J. W.
Fitzroy, Lord C.
Fleetwood, Sir P. H.
French, F.
Gibson, T. M.
Gillon, W. D.
Goddard, A.
Gordon, R.
Grattan, J.
Grattan, H.
Greenaway, C.
Grey, rt. hon. Sir G.
Grote, G.
Guest, Sir J.
Hall, Sir B.
Hallyburton, Lord
Handley, H.
Harland, W. C.
Harvey, D. W.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hayter, W. G.
Heathcoat, J.
Hector, C. J.
Heneage, E.
Heron, Sir R.
Hill, Lord A. M. C.
Hindley, C.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hollond, R.
Horsman, E.
Hoskins, K.
Howard, F. J.
Howard P. H.
Howick, Visct.
Hume, J.
Humphery, J.
Hurst, R. H.
Hutt, W.
Hutton, R.
James, W.
Jervis, J.
Johnson, General
Labouchere, rt. hn. H.
Lambton, H.
Langdale, hon. C
Leader, J. T.
Lemon, Sir C.

Leveson, Lord
Lister, E. C.
Loch, J.
Lushington, C.
Lushington, rt. hn. S.
Macauley, T. B.
M'Leod, R.
Macnamara, Major
M'Taggart, J.
Marshall, W.
Marsland, H.
Martin, T. B.
Maule, hon. F.
Melgund, Viscount
Mildmay, P. St. John
Milton, Lord
Molesworth, Sir W.
Morpeth, Viscount
Morris, D.
Murray, A.
Muskett, G. A.
Nagle, Sir R.
Norreys, Sir D. J.
O'Brien, W. S.
O'Callaghan, hon. C.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, Morgan
O'Connell, Maurice
O'Connor, Don
O'Ferrall, R. M.
Ord, W. H.
Paget, F.
Palmer, C. F.
Palmerston, Visct.
Parker, J.
Parnell, rt. hn. Sir H.
Parrott, J.
Pattison, J.
Pechell, Captain R.
Pendarves, E. W. W.
Phillips, Sir R.
Philips, M.
Philips, G. R.
Phillpots, J.
Pigot, D. R.
Pinney, W.
Ponsonby, hon. J.
Power, J.
Price, Sir R.
Pryme, G.
Pryse, P.
Ramsbottom, J.
Redington, T. N.
Rice, E. R.
Rice, rt. hon. T. S.
Rich, H.
Rippon, C.
Roche, E. B.
Roche, W.
Roche, Sir D.
Rolfe, Sir R. M.
Rumbold, C. E.
Rundle, J.
Russell, Lord J.
Russell, Lord
Russell, Lord C.
Rutherfurd, rt. hn. A.
Salwey, Colonel
Sanford, E. A.
Scholefield, J.
Scrope, G. P.
Seale, Sir J. H.
Seymour, Lord
Sharpe, General
Sheil, R. L.
Shelbourne, Earl
Slaney, R. A.
Smith, J. A.
Smith, B.
Smith, G. R.
Smith, R. V.
Somers, J. P.
Somerville, Sir W.
Speirs, A.
Spencer, hon. F.
Standish, C.
Stanley, M.
Stanley, W. O.
Stansfield, W. R. C.
Stuart, Lord J.
Stuart, W. V.
Stock, Dr.
Strangways, hon. J.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Surrey, Earl of
Talbot, C. R. M.
Talfourd, Sergeant
Tancred, H. W.
Thomson, rt hn. C. P.
Thornely, T.
Townley, R. G.
Troubridge, Sir E. T.
Turner, E.
Turner, W.
Verney, Sir H.
Vigors, N. A.
Villiers, hon. C. P.
Vivian, Major C.
Vivian, J. H.
Vivian, rt. hn. Sir R.
Wakley, T.
Walker, R.
Wallace, R.
Warburton, H.
Ward, H. G.
Westenra, hon. H. R.
White, A.
White, H.
White, S.
Wilbraham, G.
Williams, W.
Williams, W. A.
Wilshere, W.
Winnington, T. E.
Winnington, H. J.
Wood, C.
Wood, Sir M.
Wood, G. W.
Worsley, Lord
Wrightson, W.
Wyse, T.
Yates, J. A.

TELLERS.
Steuart, R.
Stanley, E. J.

List of the NOES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Captain
Adare, Viscount
Alford, Viscount
Alsager, Captain
Arbuthnot, hon. H.
Archdall, M.
Ashley, Lord
Ashley, hon. H.
Attwood, M.
Bagge, W.
Bailey, J.
Bailey, J., jun.
Baillie, Colonel
Baker, E.
Baring, hon. F.
Baring, hon. W. B.
Barrington, Viscount
Bateson, Sir R.
Bell, M.
Bentinck, Lord G.
Bethell, R.
Blackstone, W. S.
Blair, J.
Blakemore, R.
Blennerhasset, A.
Boldero, H. G.
Bolling, W.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Brownrigg, S.
Bruce, Lord E.
Bruges, W. H. L.
Buck, L. W.
Buller, Sir J. Y.
Burr, H.
Burrell, Sir C.
Burroughes, H. N.
Calcraft, J. H.
Canning, rt. hn. Sir S.
Cartwright, W. R.
Castlereagh, Viscount
Chapman, A.
Christopher, R. A.
Chute, W. L. W.
Clerk, Sir G.
Clive, hon. R. H.
Codrington, C. W.
Cole, hon. A. H.
Cole, Viscount
Colquhoun, J. C.
Compton, H. C.
Conolly, E.
Cooper, E. J.
Coote, Sir C. H.
Corry, hon. H.
Courtenay, P.
Cresswell, C.
Dalrymple, Sir A.
Damer, hon. D.
Darby, G.
Darlington, Earl of
De Horsey, S. H.
Dick, Q.
D'Israeli, B.
Douglas, Sir C. E.
Dowdeswell, W.
Duffield, T.
Dugdale, W. S.
Dunbar, G.
Duncombe, hon. W.
Duncombe, hon. A.
Dungannon, Viscount
Du Pre, G.
East, J. B.
Eastnor, Viscount
Eaton, R. J.
Egerton, W. T.
Egerton, Sir P.
Eliot, Lord
Ellis, J.
Estcourt, T.
Estcourt, T.
Farnham, E. B.
Farrand, R.
Feilden, W.
Fector, J. M.
Fellowes, E.
Filmer, Sir E.
Fitzroy, hon. H.
Fleming, J.
Foley, E. T.
Forester, hon. G.
Freshfield, J. W.
Gaskell, J. M.
Gladstone, W. E.
Glynn, Sir S. R.
Godson, R.
Gordon, hon. Captain
Gore, O. J. R.
Gore, O. W.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Grant, F. W.
Greene, T.
Grimsditch, T.
Grimston, Viscount
Grimston, hon. E. H.
Hale, R. B.
Halford, H.
Harcourt, G. G.
Harcourt, G. S.
Hardinge, rt. hn. Sir H.
Hawkes, T.
Hayes, Sir E.
Heathcote, Sir W.
Heathcote, G. J.
Heneage, G. W.
Henniker, Lord
Hepburn, Sir T. B.
Herbert, hon. S.
Herries, rt. hon. J. C.

Hill, Sir R.
Hillsborough, Earl of
Hinde, J. H.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Holmes, hn. W. A'C.
Holmes, W.
Hope, hon. C.
Hope, H. T.
Hope, G. W.
Hotham, Lord
Houldsworth, T.
Houstoun, G.
Hughes, W. B.
Hurt, F.
Ingestrie, Lord
Ingham, R.
Inglis, Sir R. H.
Irton, S.
Irving, J.
Jackson, Sergeant
James, Sir W. C.
Jenkins, Sir R.
Jermyn, Earl of
Johnstone, H.
Jones, J.
Jones, Captain
Kelly, F.
Kemble, H.
Kelburne, Viscount
Kinnaird, hon. A. F.
Knatchbull, Sir E.
Knight, H. G.
Knightley, Sir C.
Knox, hon. T.
Lascelles, hon. W. S.
Law, hon. C. E.
Lefroy, right hon. T.
Lennox, Lord A.
Liddell, hon. H. T.
Lincoln, Earl of
Litton, E.
Lockhart, A. M.
Long, W.
Lowther, hon. Colonel
Lowther, Viscount
Lowther, J. H.
Lucas, E.
Lygon, hon. General
Mackenzie, T.
Mackenzie, W. F.
Mackinnon, W. A.
Maclean, D.
Mahon, Viscount
Maidstone, Lord
Manners, Lord S. C.
Marsland, T.
Marton, G.
Master, T. W. C.
Mathew, G. B.
Maunsell, T. P.
Meynell, Captain
Miles, W.
Miles, P. W. S.
Miller, W. H.
Milnes, R. M.
Mordaunt, Sir J.
Morgan, C. M. R.
Neeld, J.
Neeld, J.
Nicholl, J.
Noel, hon. W. M.
Norreys, Lord
Ossulston, Lord
Owen, Sir J.
Pack, C. W.
Pakington, J. S.
Palmer, R.
Parker, M.
Parker, R. T.
Parker, T. A. W.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, J.
Pemberton, T.
Perceval, hon. G. J.
Pigot, R.
Planta, right hon. J.
Plumptre, J. P.
Polhill, F.
Pollen, Sir J. W.
Powell, Colonel
Powerscourt, Visct.
Praed, W. T.
Pringle, A.
Pusey, P.
Rae, rt. hon. Sir W.
Reid, Sir J. R.
Richards, R.
Rickford, W.
Rolleston, L.
Round, C. G.
Round, J.
Rushbrooke, Colonel
Rushout, G.
Sanderson, R.
Sandon, Viscount
Scarlett, hon. J. Y.
Shaw, right hon. F.
Sheppard, T.
Shirley, E. J.
Sibthorp, Colonel
Sinclair, Sir G.
Smith, A.
Smyth, Sir G. H.
Somerset, Lord G.
Spry, Sir S. T.
Stanley, E.
Stanley, Lord
Staunton, Sir G. T.
Stewart, J.
Stormont, Lord
Sturt, H. C.
Teignmouth, Lord
Tennant, J. E.
Thomas, Col. H.
Thompson, Alderman
Thornhill, G.
Trench, Sir F.
Tyrrell, Sir J. T.
Vere, Sir C. B.
Verner, Col.
Vernon, G. H.
Villiers, Viscount
Vivian, J. E.
Waddington, H. S.
Walsh, Sir J.
Welby, G. E.
Whitmore, T. C.
Williams, R.
Williams, T. P.
Wilmot, Sir J. E.
Wodehouse, E.
Wood, Col. T.
Wood T.
Wyndham, W.
Wynn, rt. hon. C. W.
Yorke, hon. E. T.
Young, J.
Young, Sir W.

TELLERS.

Baring, H.
Fremantle, Sir T.

Paired off.

FOR.	AGAINST.
Paget, Lord A.	Bagot, hon. W.
Grosvenor, Lord R.	Barneby, J.
Grey, Sir C.	Broadwood, H.
Crompton, Sir J.	Blandford, Marq. of
Davies, Colonel	Burdett, Sir F.
Campbell, W. F.	Campbell, Sir H.
Andover, Viscount	Cantilupe, Viscount
Walker, C. A.	Crewe, Sir G.
Etwall, R.	Cripps, J.
Anson, Sir G.	Copeland, Alderman
Fort, J.	Davenport, J.
Ponsonby, hon. J.	Dottin, A. R.
Duncan, Lord	Douro, Marquess
Acheson, Lord	Egerton, Lord F.
Lynch, A. H.	Follett, Sir W.
Ferguson, Sir R.	Fox, G.
Maher, J.	Granby, Lord
Wemyss, Captain	Grant, hon. Colonel
White, L.	Jones, W.
O'Brien, C.	Kerrison, Sir E.
Power, J.	Kirk, P.
Talbot, J. N.	Maxwell, hon. S. R.
Fenton, J. R.	Moneypenny, T. G.
Fitzsimon, N.	O'Neil, hon. General
Bodkin, J. J.	Percival, Colonel
Langton, W. G.	Price, R.
Fitzalan, Lord	Praed, W. M.
Westenra, hon. Col.	Pollock, Sir F.
Wilde, Sergeant	Rose, rt. hon. Sir G.
Butler, hon. P.	Sugden, Sir E.
Colquhoun, Sir J.	Trevor, hon. G. R.
Martin, J.	Tollemache, F.
Brabazon, Lord	Wilbraham, hon. R.
Busfield, W.	Wynn, Sir W. W.

Absent.

MINISTERIALISTS.

Ainsworth, P.
Benett, J.
Browne, R. D.
Brocklehurst, J.
Chetwynd, Major
Crawley, S.
Dundas, C. W. D.
Edwards, Sir J.
Fielden, J.
Fitzgibbon, hon. Col.
Goring, H. D.
Heathcote, Sir G.
Howard, Sir R.
Jervis, S.
Lennox, Lord G.
Moreton, hon. A. H.
Pease, J.
Protheroe, E.
Stewart, J.
Wilkins, W.

CONSERVATIVES.

Attwood, W.
Blackburn, J. I.
Hamilton, Lord C.
Howard, hon. W.
Ker, D.
Palmer, G.
St. Paul, H.
Wall, C. B.

Carlow and Glasgow vacant.

Lord *J. Russell* wished to take the vote at that time.

Sir *R. Peel* objected. The proceeding was not by bill, but by resolution in committee of supply. He, therefore, objected on principle to the course that was proposed.

Lord *John Russell* felt bound to recall to the attention of the House, that the original motion was, that the House resolve itself into a committee of supply, to which the noble Lord had interposed a three nights' debate by proposing his resolution, and he trusted, that further opposition would not be interposed to their going into a committee of supply, and above all as the proposal that was intended to be made had been exposed to every sort of false construction. He was perfectly aware, that he had a perfect right to make the proposition, and he protested against the opposition that had been given to it. He was aware, that in so numerous a House it would be mere loss of time to press the House to resolve itself into a committee, but he must at the same time say, that he did not think that the course pursued by the Opposition was either reasonable or just.

Sir *R. Peel* objected in principle to their being compelled to take the sense of the House at a single stage. He objected to their legislating, for they were legislating—on an important matter of this kind by merely taking a vote in a committee of supply. He did so on principle, and nothing should have induced him to sanction their going into committee of supply and voting this estimate at the present sitting. He had never done so before, but he should have felt it to have been his duty to offer every opposition in his power to such a proceeding. He should certainly have put his opinion on record, but he objected on principle to such a proceeding. They were asked to legislate by a single vote of the House of Commons, and without any discussion, at half-past two in the morning. He, therefore, did not concur with the noble Lord as to the view which he had taken of the subject.

Lord *John Russell* supposed there would be no objection to the motion, that the Speaker leave the chair, without taking any further step.

Colonel *Sibthorp*, who was received with loud shouts of laughter, said that it had been objected to the right hon. Baronet, that he had spoken on this question; but this objection could not be urged against himself. In the face of the House and of the noble Lord he objected to these forms. He objected to these proceedings, by those whom he might almost call serfs and slaves. The minority of ten, which they were in last night, was now in the ascending scale, as they were in a minority of five. He could not see where the hon. Member for Salford was, or he would call on him to move the adjournment; but as he was not in his place, he should do so for him, and therefore he moved the adjournment.

Lord *Stanley* trusted the hon. and gallant Member would not persist in that motion at present.

Colonel *Sibthorp:* Certainly not if you wish it.

Lord *Stanley* was very glad that the gallant Officer had not persisted in his motion, as he was anxious that they should not offer anything like a factious opposition upon this vote. Did Gentlemen really think, that there was an intention to offer a factious opposition? how did the matter stand? The matter was simply to be decided by one vote in that House. The other House was to have no part in the proceedings, and they were not to have the advantage of various stages of bills in that House. If, therefore, the charge of being influenced by factious motives was to be brought against any one, it should be charged against the Government for having introduced the subject in this way. That side of the House objected to the Order in Council. They objected to the going into a committee of supply at that late hour, in order that they might have the opportunity of considering, whether they would oppose the vote in further stages or not. If they had chosen they might have opposed the vote for reading the order of the day. They might have raised an opposition on a question, that the House resolve itself into a committee of supply, and when in committee they might have opposed the vote. And again, on bringing up the report another opportunity of opposing the subject was afforded. If they had chosen they might have opposed the subject in either or all of these five stages. They had a perfect Parliamentary right to try the question upon each stage. But we said that we would in the first instance take the question on rescinding the Order in Council, and the whole of the plan was not yet near set forth. Was it not reasonable, after the decision of that night, that they should have time to consider, whether they should take another division on the question or not? He would appeal to his noble Friend, whether he could expect on the first blush of the question, to carry the vote at once, after such a division as they had just had.

Committee of supply postponed till Monday.

HOUSE OF LORDS,

Friday, June 21, 1839.

MINUTES.] Bills. Read a second time:—Protection against Bankruptcy; Common Pleas Regulation; Bills of Exchange.

Petitions presented. By the Archbishop of Canterbury, and Lord Wynford, from several Clerical Bodies, against the Church Discipline Bill.—By Lord Brougham, from West India Planters, and by Lord Lyndhurst, from Mr. Burge, to be heard at the Bar, the first by Counsel, the second in person, against the Jamaica Bill.

CHURCH DISCIPLINE — EXPLANATION.] The Archbishop of *Canterbury* complained of a passage which he had read in one of the morning papers (the *Morning Post*) contained in what purported to be a report of a speech made by a right hon. Gentleman in another place which he would not more particularly name. The passage ran thus:

"He was the last man in the House to undervalue petitions; but he could show the House, on better authority than his, that there were occasions on which petitions were got up, particularly on religious matters, in which neither the character of the getters-up or the suggesters would stand inquiry. There had been, for instance, a petition got up by bad clergymen of the University of Oxford on a subject relating to the Church. Now, that was a petition in which, above all others, they would expect to find truth, learning, and conclusive reasoning; but no such thing; it appeared, on high authority, that the bishop of the diocese could command from his clergy as many petitions on any subject as he might choose to call for. The House would ask on whose authority he stated this. He would tell them, but would read a letter more first:—'On the subject of petitions generally bearing on church subjects, I must say, that if the parties who oppose the bill (it was the Church Discipline Bill) are no better informed than the clergy of Oxford on the subject, I trust their opposition will have very little weight.' He concluded with the following words: 'I entertain the strictest conviction that the petitions which come before you on this subject are full of misstatements, but certainly misstatements made without a disposition to deceive. I give these petitioners credit for a wish to support the Church, but it will be for the House to judge of the allegations and to judge also of the expediency of complying with the prayer of persons who betray total ignorance of the real facts of the case on which they petition.' These were the petitions presented from clergymen of the University of Oxford against the Church Discipline Bill; they came from men of respectable character and authority; and the person who thus characterised them was his Grace the Archbishop of Canterbury. This was the character he gave of petitions got up on a religious outcry. He stated that they might be well intended, but that they betrayed the greatest ignorance."

Nothing (said the most rev. Prelate) could be more inconvenient than for a Member of one House—and more especially a Member who stood very high in station, and who was deserving to be respected on account of his station, talent, and other qualities—nothing, he said, could be more inconvenient, or indeed more irregular, than for a Member of the House of Commons to cite by name what had passed in their Lordships' House. This very statement showed the inconvenience of that practice, for a more incorrect statement—not intentionally so, he was perfectly certain, because he knew the candour of the right hon. Gentleman sufficiently well to be convinced that he would not say anything which he did not believe to be true—but still a more incorrect statement never was made. The right hon. Gentleman had been misinformed as to what he (the Archbishop of Canterbury) had said on the occasion to which reference was made. When was it, he would ask, that he ever said, any such thing as that "neither the character of the getters-up or the suggesters of the petition would stand inquiry? When did he ever make any reflection on the character of the gentlemen and clergy of Oxford? It so happened that he only knew the name of one of the persons who were concerned in getting up the petition in question; and of that one person, and of all who were connected with him, he might say, there were none more respectable for character, for learning, or for piety; and that it was absolutely impossible he (the most rev. Prelate) could have said that their characters would not stand inquiry. Then it was said that "the petition was got up by bad clergymen of the university of Oxford." Who those "bad clergymen" were, he was greatly at a loss to know. There must be a misprint, a misrepresentation here. Those words never could have been used by the right hon. Gentleman.

Subject dropped.

THE MILLION LOAN (IRELAND) EXPLANATION.] Viscount *Duncannon* wished to state that, of the million advanced for the clergy of Ireland, only the sum of 640,000*l.* had been claimed by the clergy, there, therefore, remained a surplus in the hands of the Ecclesiastical Commissioners, of 360,000*l.* Of that sum, 100,000*l.* had been lent by the commissioners to the Board of Works in Ireland, and the remaining 260,000*l.* was to be applied to payment of tithes due to the clergy, on the coming into operation of the late Tithe Act. The sum of 100,000*l.* advanced to the Board of Works, would, of course, be repaid to the Ecclesiastical Commissioners.

Subject dropped.

DUBLIN AND LIVERPOOL STEAM-PACKETS.] The Earl of *Wicklow* wished to say a few words to their Lordships on the subject of the steam-packets between Liverpool and Dublin. Captain Chappel, the commander of the packet station at Liverpool, had addressed a letter to him, complaining of what he (the Earl of Wicklow) had stated on this subject last week. He stated, "I do not know whether this censure was intended to apply to Mr. Purcell or to me, or to both; but, as it was calculated to be injurious to me, in my character, I feel persuaded that your Lordship will do me the justice to remove such an impression when I assure you that Mr. Purcell asked for the appointment entirely without my knowledge, and that no complaint was made to me about his charges." If it were any satisfaction to Captain Chappel, he (the Earl of Wicklow) would state, that so far from wishing to make any allusion to him, he had never heard of him before, or that he occupied such a situation, or that he was alluded to in the appointment. This statement of Captain Chappel contradicted, however, what had been said by the noble Earl. The statement of the noble Earl had been, that he knew nothing of the politics of Mr. Purcell whatever, but that the appointment took place on the recommendation of a most distinguished individual, namely—that of Captain Chappel. He (the Earl of Wicklow) never meant to cast any imputation on that gentleman, nor on Mr. Purcell, who had also written to him. Mr. Purcell was perfectly justified in accepting the situation, if the Government thought fit to give it to him. His observations were directed against the Admiralty, who had not sufficiently considered the interest of the public when they had appointed an agent with the sole right of making what charges he pleased. He hoped the noble Earl would not create a monopoly for the benefit of any one individual, but open the carrying trade to competition. If no arrangement were made to remedy this evil and system of overcharging, he should submit a motion to the House on the subject.

The Earl of *Minto* thought it would be extremely inconvenient to introduce a variety of agencies and competition. The returns showed that a very large proportion of the packages were sent by other conveyances, the income derived from this source having decreased. An inquiry had been instituted on the subject, and whatever might be the result of it, he should take care that the agency was so conducted, whether in the hands of Mr. Purcell, or any other agent, that the public should have no cause to complain.

The Earl of *Wicklow* said, it was quite evident that the noble Earl totally misunderstood him. He did not bring any charge against Mr. Purcell for overcharging: what he complained of was, that the Government gave Mr. Purcell the power of making exorbitant charges, and that there was no competition.

The Earl of *Minto* said, the only profit Mr. Purcell got, was by the land-carriage of the parcels; he got none other. If he took advantage of that to divert parcels from their proper route, in order to have them sent by his own coaches, he was guilty of an abuse, but there had been no such complaints.

ROMAN CATHOLIC RELIEF ACT.] The Earl of *Winchilsea* said, that in pursuance of the notice which he had given yesterday, it now became his duty to present to their Lordships a petition signed by 3,000 persons, praying for the repeal of the statute, 10 Geo. 4th, commonly called the Roman Catholic Emancipation Act. If this petition had related to any measure now under consideration before their Lordships, he would have declined, in obedience to the usage of their Lordships' House, to present it; but as it related to an Act that was passed long ago, and as it was very numerously signed, there being attached to it signatures to the amount of 3,000, all belonging to persons filling respectable situations in life, he thought that the sentiments expressed in it were certainly deserving of the notice of their Lordships. The petitioners were anxious for the repeal of the Relief Act. So was he, and he declared that he believed this feeling was rapidly increasing in this country; he believed, he said, that the people of England were fast becoming desirous for the repeal of the act which was falsely called the Roman Catholic Emancipation Act. The professed object of passing that act was to give peace and tranquillity to Ireland. Now, he did not think that there was any individual either within their Lordships' House or without it who had supported that measure on its passage through Parliament who could now honestly lay his hand on his heart, and say that he did not feel that the results which were then anticipated from it had been realized. It might be in the recollection of those who did him the honour of attending to him at that time, that he then stated his conviction that there were two distinct bodies belonging to the Roman Catholic Church—namely, the Romanists and the Papists; and that though he was totally opposed to any measure which should go to alter the Protestant form of this Government, yet to certain concessions of a civil nature to the Roman Catholics of this country he was not wholly opposed. The Roman Catholics of this country, he did think, used the power they had acquired by this act in a very different manner from the Roman Catholics of Ireland. With respect, however, to the means which had been taken to induce their Lordships to agree to the concession of that power, he would say, that though it was stated in evidence on oath before a committee of their Lordships' House, that the most objectionable doctrines of Catholicism were no longer held by British Catholics, yet he believed those doctrines had been only suspended for the time, and were now again in force; he believed, if he had a committee of their Lordships, he should be able to show that all those doctrines which were most obnoxious and reprehensible in the Catholic creed had been revived and re-embodied about the year 1836 in a manual of theology published for the use of the Roman Catholic clergy. There were to be seen all the most obnoxious doctrines that Rome ever held. There it would be found that some of the most obnoxious Papal bulls were still in force. The publication of this book he believed to be the signal for reviving the doctrines to which he alluded, and from that moment the Roman Catholic Church had put forth the whole of its power to destroy Protestant government and undermine Protestant authority in Ireland. The consequences of this had shaken the Protestant church from its centre to its foundation; [*hear, hear!*] he said from its centre to its foundation, because if the Church, as by law established, were upset in any single part of the empire, the whole must fall altogether. After the concession of the Roman Catholic claims in 1829, the ingenuity of man could not conceive a scheme so well calculated for the overthrow of Protestantism in this country, and the re-establishment of the Roman Catholic religion in its stead, as was the late scheme for national education contained in the minute of Privy Council. He said this because he was prepared to contend that the Roman Catholic religion only flourished where ignorance and superstition reigned, and that where a system of education prevailed in which only general instruction was to be given in religion, ignorance and superstition must be the result. Would to God their Lordships, at the time of considering the Roman Catholic Relief Bill, had not listened to the voice of that individual whose evidence before their Lordships' committee had weighed so much in inducing many of them to side with the supporters of the bill; would to God they had not listened to the voice of that individual, who had called him a furious and intolerant bigot, although he could put his hand on his heart and say, that he was sincerely attached to the cause both of civil and religious freedom, and, therefore, was not liable to the charge of intolerant bigotry. He believed he was as tolerant in his disposition as any man in the House. He opposed the Roman Catholic Relief Bill, not from intolerance, but from a belief that, if passed into a law, it would be found inconsistent with Protestant security; and he felt safe in stating that a similar feeling was at length aroused throughout the country. When, however, the measure passed into a law, he had said that he should be the last man who would seek to shrink from upholding it. From that day to this he had never made an observation tending to elicit any thing of a feeling in the country which might interfere with the due operation of the measure. He had by no means flattered himself that the power then conceded to the Roman Catholics might have been used by all of them without attempting to trench on the rights of the Established Church, without attempting, as a considerable body were now desirous of doing, to take measures for the destruction of every thing dear to us. He stated at the time, that the power granted would be so used, and that the Protestants would be obliged eventually to unite, and that the time might very possibly arrive when England would see him the greatest agitator on earth. Power given to Roman Catholics, their Lordships might depend upon it, would always be exerted against the security and interests of the Protestant Church; but this the Protestant people of England never would suffer; this the Protestant Dissenters to a man would join the members of the establishment in preventing, in defence of the rights of conscience and of that happy constitution which had given to us individually and nationally a greater share of liberty than had ever fallen to the lot of any other nation under the sun. That the people were rapidly approaching to a conviction that England must retrace her steps in this matter, he was fully convinced. He would only add, that though he was not at present prepared to make any motion on the subject of the petition, still he would say, that if this went on as it had done, he should certainly bring the matter under their Lordships' notice by a substantive proceeding at a future day.

Lord *Brougham* was anxious to offer some answer to that which formed the substance of the eloquent and impressive speech of the noble Earl; he said eloquent and impressive, for such must everything be that comes from the feelings, and he fully believed that the noble Earl always spoke from his feelings, for a more conscientious, fearless, and honest mind than the noble Earl's, he was persuaded, did not exist. The appeal which the noble Earl made to all who had any concern in carrying the Roman Catholic Emancipation Act was substantially this—that of those who assisted to pass the measure, he believed there was not one, who, if he had known then what he knew now, would now agree to the measure; or would now lay his hand on his heart, and say he did not repent of his share in it. The idea of the noble Earl was, he took it, that, as now informed, the then supporters of the bill would support it no longer if it was to do over again, and that, better informed as they were now, if they did not repent of their share in passing it, they at least felt, great discontent and distrust in respect to its operation. On examining his own heart, and considering all the public events which had happened since 1829, when the Act was passed, with the large experience subsequent to that time which he had had of its working, and with some little acquaintance with the question, having supported Emancipation from the first period of his entrance upon public life, he should now, if it were to do afresh, advocate the same opinions as he advocated then, and up to 1829, when the measure was carried, with his characteristic firmness by the noble Duke. Some men, it was true, there were who now professed themselves disappointed with the effects of the measure; but why was this? Because they had entertained the most extravagant notions of the good this measure was to effect, if they believed that a benefit withheld for years, could do so much good, when, at length, it was conceded, as if it had been passed at first. They that had thought much was to be expected from a measure passed in such circumstances, had no right to be disappointed, if the results at present fell below their extravagant anticipations. If any one thought that it was in the course of a few years that centuries of misgovernment could be rolled back, and the people of Ireland placed in the same condition all at once as if such misgovernment had never been—if any one was so extravagant and romantic as to think this, that man would by no means be justified in complaining of the disappointment of his anticipations. Why, it was all along the very essence of the argument of those who supported the measure, that delay would be most injurious to the success of the measure, and most detractive from the benefits which, if it were passed in season, might reasonably be looked for from it. What else was the argument of Mr. Pitt, when he quitted the Administration upon this question? What was his argument again in the famous declaration with which he armed Lord Cornwallis, and by which the Union was virtually effected. What else was the argument to which, in 1805, Grattan lent the aid of his masterly eloquence? What else was the essence of Mr. Canning's argument from 1809 down to 1827—what, but that it would be dangerous to the peace of the country that it should be thought they were withholding justice from the Roman Catholics, and that such a delay of justice could not fail to produce in Ireland that discontent which is a gangrene in its society, and which all that good government could do for years to come, would be unable to eradicate from that ill-fated land? What was it they insisted upon, year after year, but that the longer a people were kept out of their rights, the less was the gift of them effectual and beneficial? And this was the truth. If he gives twice who gives quickly, he halves and quarters his gift who only gives after delay and perpetual delay. He, therefore, was most extravagant and romantic who expected from a measure delayed as this had been, the same benefits as if no delay had happened. Thus much for the first part of the noble Earl's observations. In reference to the second, he would say, that when they had gone on year after year withholding from the people of Ireland the rights of conscience, and the liberty of worshipping God in the way each man thought right, "no man making them afraid;" withholding too the removal of disabilities, because those on whom they pressed were of a different belief from ourselves; he said, that if there was one man who could expect that when at last the thing was granted as a boon, and the pressure removed which had fixed discontent in the minds of a party forming the great bulk of the people, until hatred, opposition to law, and dislike of English rule became a part of their second nature—for custom was second nature—if there were such a man, for he was not deserving the name of statesman, as to think that the people should all at once forget all that was past, and totally and at once change the character which for ages they had been acquiring, forming, and fixing, such a man had no right to be disappointed, if the result fell below his expectations. It would be unwise to expect that such things could be accomplished by any act of human legislation; it was unjust to complain that the measure had failed, if it only failed to answer such wild and chimerical expectations. None of the friends of Catholic Emancipation ever expected that that measure alone would be sufficient to correct all the calamities of Ireland. They had always said, that nothing could be done without that foundation, but they had never said, that the foundation was all that was required. It was just as if any one, knowing a supply of fresh air to the lungs to be necessary to sustain the life of man, should argue that that alone would be sufficient to keep him in health and strength. So with regard to Ireland, it was clear that the removal of the great obstruction to improvement in the habits of its population was the chief requisite; but this was not enough; it was necessary, in order to introduce a better state of things, to remove other grievances that pressed heavily on the people. Thus much had he said of the injustice done to the great measure of emancipation by the one-sided and partial views of the noble Lord. But he should much misstate his own opinion if he did not add, that he thought the habitual factious dispositions which had grown up under the old system were equally inveterate on both sides; they existed not only in the minds of the Orangemen towards the Catholics, but in the minds of the Catholics towards the Orangemen. He deeply lamented that Ireland should thus be made the prey of faction in its worst shape, that of religious rancour combined with political animosity—that the spirit of dissension should mix itself with the ordinary relations of society, and with all the affairs of life, eating as it were like a foul ulcer into the body politic. All unprejudiced persons must see that it would require a long course of firm, paternal, equal, and impartial administration of the law, as well as much improvement of the law itself, to eradicate this spirit and make Irish society resemble that happier state of things to be found in this country. He had no manner of doubt that the task would be a difficult one, that the government of Ireland was a load too heavy for almost any shoulders, that it would be a hard thing to carry out fully the intentions of the Legislature in granting Catholic emancipation, and thus restore tranquillity to Ireland. But he was comforted by seeing that considerable progress towards these results had been made within the last nine or ten years; and if those principles which had generally guided men's conduct during that period should still prevail, and the Legislature should persevere in aiding the efforts of the Government by improving the laws, he would entertain, in spite of the apprehensions of the noble Earl and the petitioners, confident and sanguine hopes of a successful issue. Having been all his life a firm supporter of emancipation, he had been unwilling to allow this opportunity to pass without addressing these few observations to their Lordships.

The Earl of *Wicklow* said, that the first act of his political life had been to give his support to the Roman Catholic Emancipation Bill. His noble Friend having appealed to all the advocates of that measure, to say whether the good they had expected from it had been obtained, he (the Earl of Wicklow) was ready to lay his hand on his heart and declare that it had produced all the good he ever expected from it. If he were again called on to give a vote on the question, he would give it in the affirmative. All the additional information he had acquired since 1829, the more confirmed him in his view. It was very easy to assert that all the evils of Ireland were to be ascribed to this Act, but it was very difficult to prove the assertion. It was not easy to say how much those evils might have been aggravated at the present moment had that measure not passed. For his part, looking at the spirit which had been afloat for some time, not only on the continent of Europe, but in this country, he was induced to think that most disastrous consequences might have ensued, had Government refused to concede the measure to the unanimous wishes of the people of Ireland, and to the wishes of the great proportion of the people of this country. [The Earl of *Winchilsea:* No, no.] It was asserted in Parliament when that measure was under discussion, and the opponents of the bill did not venture to deny it, that the great proportion of the people of this country were favourable to it; and the fact was proved by the circumstance that a majority of the representatives of the people demanded the measure, Session after Session, till at last no Government could have carried on affairs without conceding it. He had always considered that the Government of the day acted in the most prudent as well as in the most honest and manly manner, in consenting to wave the objections they had previously entertained to the measure, and declaring that they could not administer the affairs of the country unless it were carried. He agreed with his noble Friend in regretting the evil influence of the Irish Roman Catholic clergy, but he differed from his noble Friend's opinion that that influence was increased by the Emancipation Act. Before the passing of the Act, that influence was exercised in interfering with the elections to as great an extent as now, and he was as satisfied as he was of his own existence, that but for that Act it would have been, at this moment, much more formidable.

The Earl of *Roden* differed widely from the views of his noble Friend who had just spoken. Never could he forget the words of that great man who had so long filled the Woolsack, that the sun of England would set on the day when the Catholic Relief Bill passed. He looked upon the present condition of this country as far inferior to its condition before that measure became law. He lamented the increase in the number of Jesuits both in England and Ireland. He believed, that an under-current was now going forward in England, which would extend very widely the Roman Catholic religion. The noble Lord then proceeded to quote a passage from the 2nd chapter of the *Secreta Monita* of the order of Jesuits, a copy of which he said had lately been found in the library of the University of Dublin. It was to the following effect:—

> "Princesses and women of quality are easily to be gained by the influence of their women of the bedchamber. Therefore, by all means, pay particular attention to their women, by favour of whom you will easily gain access to the family, no secret of which will remain hid from us."

The Protestants of this country, he was happy to see, were now awakening from their late apathy, and he hoped that the people of England, and above all the people of Scotland, who loved the religion of Protestantism, and had defended their Bibles with their swords, would not be deterred from expressing their sentiments on the important subject that now engaged their lordships.

The Marquess of *Westmeath* said, that

he for one did not charge upon the Catholic Relief Act all the evils that now desolated Ireland. He charged them on the Irish Reform Act, which was by an injudicious Government flung into the hands of the democracy of that country when they did not seek for it. That Act had given the priesthood such power, that three-fourths of the representation was now as completely in their hands as the nomination boroughs had been in those of their owners.

Petition to lie on the table.

HOUSE OF COMMONS,

Friday, June 21, 1839.

MINUTES.] Bills. Read a first time:—Loan Fund (Ireland); Payment of Rates; Ecclesiastical Courts (Ireland); Admiralty Court; Borough Courts.—Read a second time:—Registration (Court of Appeal).

CITY OF LONDON POLICE.] The City of London Police Bill was read a third time.

On the question that the Bill do pass,

Mr. *Fox Maule* said, that there were several clauses which he intended to propose should be added to the bill by way of rider, but he wished to move, that they be read a first and second time, and then be referred to the Committee to which the Metropolitan Police Bill was referred, in order that the Committee might report that they were proper clauses to be inserted.

Mr. *T. Duncombe* objected to this course. The hon. Gentleman had proposed, after the bill had been read a third time, to bring up about thirty-four clauses, and to refer them to a committee. He should like to know whether this could be done according to the forms of the House. The clauses were of the most objectionable nature, and he should object to their being referred to a Select Committee, thinking that if the clauses were good they ought to be discussed by the House.

Lord *John Russell* said, that it had been considered, that what was law without Temple-bar ought to be law within Temple-bar, and, therefore, his hon. Friend had proposed to introduce the same clauses which had been inserted in the Metropolitan Police Bill into the City Police Bill.

Sir *Robert Peel* said, if they were to adopt the course proposed by the hon. Gentleman (Mr. F. Maule), they would establish a dangerous precedent, and he thought, therefore, that it would be better to adhere to the rules of the House in regard to the insertion of clauses after the third reading of a bill. Would it not be better to withdraw this bill for the present, and discuss these clauses in committee of the whole House on the Metropolitan Police Bill? This measure could, after that discussion, be again brought forward.

Clauses to be printed, and to be taken into consideration on a subsequent day.

PERSIAN MISSION.] Mr. *Mackinnon* wished to put a question to the noble Lord, the Secretary for Foreign Affairs, relative to the Persian Mission. Her Majesty, in her Speech from the Throne, stated, that circumstances had caused the withdrawal of the British Envoy from Persia. It appeared, that Sir John M'Neill had been a resident in this country for some time, and had also had an audience of her Majesty, and he begged, therefore, to ask whether the mission had not concluded? It appeared, that the Secretary to the Embassy, together with an *attaché*, was still in Turkey, in Erzeroum, within eleven days' journey of Teheran, though there was a difference between this country and the Court of Persia, and the British Government had refused to receive the Ambassador of the Schah of Persia. The sum of 12,000*l.* a-year had been allowed by the East India Company for the purposes of defraying the expenses of the diplomatic mission; but though the money was paid by that company, it was under the control of that House, because the mission was under the control of the Government. He wished to ask them in what manner that sum of 12,000*l.* a-year was expended, and did the individuals of which that embassy had been composed, continue to receive their salaries?

Viscount *Palmerston* said, the hon. Gentleman had made rather a long exordium to a short question, which he might answer at once, but that he was anxious to set the hon. Gentleman right in reference to some statements he had made. Everybody knew, that when a difference arose between Governments, it frequently happened that an envoy might be withdrawn without a cessation of amicable communications, though there might be extensive differences, very little short of an absolute rupture, causing the temporary retirement of the ambassador. That was the state in which this country now stood with regard to Persia. Sir John M'Neill was at home on leave of absence, which was given to him before the differences between the two Governments took place. It was true that he had had an audience of her Majesty—not, as the hon. Gentleman supposed, because of the conclusion of his mission, but on leave of absence from his post. The Chargé d'Affaires and another member of the mission had withdrawn from Persia on account of the disputes with the Schah of Persia, and they had intended to return, but they were ordered to remain at the nearest frontier point, Erzeroum, for the purpose of receiving communications. In reference to another point adverted to by the hon. Gentleman, he would state that the Persian Government had sent an ambassador to this country, who, although he had been told before, that he could not be received in his official character until the differences between the countries were arranged, had, nevertheless, considered it his duty to come to this country in a private capacity, and was now in London, and he (Viscount Palmerston) had had some private communications with him. In reply to the question of the hon. Gentleman, he had to state that it had happened, as it had in all similar cases wherein the mission was not at an end, Sir J. M'Neill was at home, but he had returned only for a time, and he was still subject to all the customary regulations like all other ambassadors. Colonel Shiel, the Chargé d'Affaires, who was on duty abroad, was receiving his emoluments, and the mission went on just as it would go on if Sir J. M'Neill were still in Persia.

Mr. *Maclean* said, perhaps the noble Lord would allow him to ask, if we were not at war with Persia, whether any reparation had been made by the Schah for the insult offered to the servant or messenger of Sir J. M'Neill? And he begged to put another question to the noble Lord at the same time, in relation to the explanation of Count Nesselrode respecting the conduct of Counts Simonitch and Viscovitch? He begged also to ask him whether any accounts had reached this country of an outrage on Sir Frederick Maitland and the crew of the Wellesley, at Bushire? It had been announced that Admiral Maitland was about to land at the place of honour, when he was told that he would not be allowed to do so, but that he must go to the Custom-house, which he would not do, and the consequence was, that the soldiers of the Schah fired on the boats, and bullets passed through the hats and clothes of some of the crew of the Wellesley, who returned the fire, and some of the individuals who perpetrated the outrage were wounded. That was the rumour, and he wished to ask the noble Lord if he had received any intelligence of the affair.

Viscount *Palmerston* said, in reply to the first question of the hon. and learned Gentleman, he had to state, that no sufficient reparation had been made by the Schah of Persia for the outrage committed on the messenger of Sir J. M'Neill. With regard to the explanation of the Russian Government with regard to the conduct of Counts Simonitch and Viscovitch, he could only refer the hon. and learned Gentleman to the papers already laid on the table of the House, which contained the answer of the Russian Government to the applications made on the subject. Then with regard to the other question, we were certainly not at war with Persia, though there was a very serious interruption of our communications. He had received accounts of the circumstance to which the hon. and learned Gentleman referred, but they were not exactly as he had stated them. There had been no difficulty about the landing of Admiral Maitland at Bushire, for he had landed without interruption, and friendly communications afterwards took place between him and the Governor, but the dispute arose on his embarcation. The Governor insisted that he should embark from the Custom-house quay, instead of the usual place near his residence; and he being informed by those in the service that such a course was not usual, and that in fact it was an indignity to which he ought not to submit, he refused to comply with the regulation, and insisted upon embarking from the quay opposite his residence. He took the necessary precautions; the boats of the Wellesley were got ready, and during the embarcation shots were exchanged between the parties. This circumstance and subsequent differences led to the departure of those in the service of the East India Company, who settled at the island of Karak. From the last accounts it appeared that Admiral Maitland was returning to Bushire to have some communication with the Governor on the subject.

Subject dropped.

Prisons Bill.] Lord *John Russell* moved the third reading of the Prisons Bill.

Mr. *Pakington* had already stated the strong objections he had to the 14th clause, enabling the Dissenting ministers to visit the gaols, but as that clause against which he had already recorded his vote might form the subject of a specific motion by the noble Lord the Member for Marylebone (Lord Teignmouth), he would not now trouble the House with any observations in support of his objection to that particular provision of the bill. His further objections were to the second and third clauses, which gave magistrates the power to order separate confinement without any limitation or restriction whatsoever. He assured the noble Lord the Secretary for the Home Department that in objecting on that ground to the further progress of this bill, he had no intention or wish to get up a vexatious or groundless opposition; he gave the noble Lord every credit for a desire to improve the prison discipline of the country; but he submitted that this important change in the principle of the prison discipline throughout the kingdom admitted of very considerable doubts as to its propriety. The noble Lord, he believed, relied in support of this measure on the results which had been shown to attend the system of separate confinement in the Penitentiary at Philadelphia, and in the report of the inspectors of the prison at Glasgow. That being the case, he (Mr. Pakington) must be allowed to refer to authentic returns in reference to the results of the system in the Penitentiary at Philadelphia; and in doing so, he did not trust to persons who might be supposed to be led away by their prejudices or private bias, but to documents the authenticity of which could not be questioned. In page 334 of the book he held in his hand, and to which reference on a former occasion had been made by the hon. Member for Lambeth, he found it distinctly laid down that the system of separate confinement in the Penitentiary at Philadelphia had not produced those effects in the suppression or diminution of crime which its early friends had anticipated, and that for the last three years prior to 1837 the mortality in that prison had regularly and constantly increased, thereby showing the injurious effects of the system upon the health of the prisoners. Again, in page 241, the letter of a medical gentleman showed that its injurious effects were not confined to the bodily but extended to the mental health of the prisoners, for it was stated, that while seventeen out of 318 prisoners had died, there had been no less than fourteen cases of insanity within a very short period of time. Indeed the returns showed the important fact that the mortality in the Philadelphia Penitentiary had been twice as great as in the prison of New Hampshire and other states where the separate system was not practised. The first proposition then he laid down was, that whatever degree of punishment might be fixed, the Legislature had no right to adopt any system which might incur danger to the bodily, still less to the mental, health of prisoners whose offences brought them under the lash of the law, and he opposed this bill because he thought, and he was justified in the opinion by the results he had stated, that it would produce both those effects. Objecting also to the provisions of the bill with respect to the discipline of persons committed for safe custody, and not convicted—provisions which had been left in a most unsatisfactory manner, and having his strong feeling against the system fortified by the results which had risen from it in America, he felt it his duty to resist the adoption (at a large expense) of the system throughout England, and he should, therefore, move that the bill be read a third time, this day six months.

Mr. *Darby* seconded the amendment The bill would impose large expense on the country, with very little chance of success. Neither the results from Glasgow nor Philadelphia afforded sufficient evidence to show, that the system was practicable throughout the country, and on that ground he must support the amendment.

Lord *J. Russell* said, the objection of the hon. Member opposite, was directed to the system of separate confinement, though that system had been approved by persons of the highest authority, who had seen it in operation in America. What was proposed by this bill was to enable the proper authorities in each county to introduce this system into the prisons under their superintendence, if they so thought fit. The hon. Member, however, seemed determined that the system should be totally excluded from the prisons of this country. He had reduced the powers conferred by the bill to the lowest possible degree; and now, after the question had already been so much discussed, he did not think it necessary to prove facts which had already been as much made matter of demonstration as anything could possibly be.

Viscount *Dungannon* expressed his entire concurrence in the humane and considerate view which had been taken of this question by the hon. Member behind him (Mr. Pakington), and must also express his disapprobation of the principle of intrusting to individuals connected with the government of prisons the power of inflicting solitary confinement.

The House divided on the original Motion: Ayes 126; Noes 21: Majority 105.

List of the AYES.

Adam, Admiral
Aglionby, H. A.
Aglionby, Major
Anson, hon. Colonel
Archbold, R.
Baines, E.
Baring, F. T.
Barnard, E. G.
Barry, G. S.
Beamish, F. B.
Bellew, R. M.
Berkeley, hon. H.
Bernal, R.
Bethell, R.
Bewes, T.
Blair, J.
Blake, M. J.
Blake, W. J.
Bodkin, J. J.
Bowes, J.
Bridgeman, H.
Broadley, H.
Brodie, W. B.
Bruges, W. H. L.
Buller, C.
Burroughes, H. N.
Butler, hon. Colonel
Callagan, D.
Campbell, Sir J.
Chalmers, P.
Chester, H.
Clive, hon. R. H.
Collier, J.
Dalmeny, Lord
Davies, Colonel
Donkin, Sir R. S.
Douglas, Sir C. E.
Duke, Sir J.
Duncombe, T.
Easthope, J.
Elliot, hon. J. E.
Eliot, Lord
Ewart, W.
Fenton, J.
Fitzroy, Lord C.
Fleetwood, Sir P. H.
Gibson, T. M.
Grattan, H.
Greenaway, C.
Grey, Sir G.
Hawes, B.
Hector, C. J.
Hobhouse, T. B.
Hoskins, K.
Howard, P. H.
Hughes, W. B.
Hume, J.
Hutt, W.
Hutton, R.
Kemble, H.
Langdale, hon. C.
Lascelles, hon. W. S.
Lemon, Sir C.
Macleod, R.
Marshall, W.
Marsland, H.
Melgund, Viscount
Miles, W.
Morpeth, Lord
Murray, A.
Nagle, Sir R.
O'Brien, W. S.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
O'Conor Don
O'Ferrall, R. M.
Paget, F.
Palmer, C. F.
Palmerston, Viscount
Parker, J.
Parrott, J.
Pendarves, E. W. W.
Pigot, D. R.
Power, J.
Price, Sir R.
Pusey, P.
Redington, T. N.
Rice, right hon. T. S.
Roche, W.
Rolfe, Sir R.
Russell, Lord J.
Salwey, Colonel
Sheil, R. L.
Smith, J. A.
Smith, B.
Somerville, Sir W. M.
Steuart, R.
Stewart, J.
Stuart, Lord J.
Stuart, W. V.
Strickland, Sir G.
Strutt, E.
Talfourd, Sergeant
Tancred, H. W.
Teignmouth, Lord
Thomson, rt. hon. C. P.
Thornely, T.
Turner, E.
Vigors, N. A.
Wakley, T.
Walker, R.
Wall, C. B.
Warburton, H.
White, A.
White, S.
Wilbraham, G.
Williams, W.
Williams, W. A.
Winnington, T. E.
Winnington, H. J.
Wood, C.
Wood, G. W.
Wrightson, W. B.
Wyse, T.
Yates, J. A.

TELLERS.
Stanley, E. J.
Maule, hon. F.

List of the NOES.

Burr, H.
Darby, G.
Ellis, J.
Fielden, J.
Grimston, Viscount
Henniker, Lord
Hodgson, R.
Inglis, Sir R. H.
Irton, S.
Johnson, General
Law, hon. C. E.
Lefroy, right hon. T.
Lincoln, Earl of
Maunsell, T. P.
Parker, R. T.
Plumptre, J. P.
Polhill, F.
Richards, R.
Sandon, Viscount
Smith, A.
Smyth, Sir G. H.

TELLERS.
Pakington, J. S.
Dungannon, Viscount

Bill read a third time.

On the question that the bill do pass,

Lord *Teignmouth* rose, to move the omission of the 14th clause. That clause had been hurried through the House without sufficient discussion, and the division was pressed on in the absence of many hon. Members on that side of the House, who would have voted against the clause. After the postponement of the discussion upon the clause upon a former stage of the measure, at the suggestion of the hon. and learned Member for Dublin, who objected to so important a discussion taking place at eleven o'clock at night, it could not have been expected that the clause would be afterwards disposed of in so summary a manner. Many hon. Members had been induced to support the provision by the argument, that as prisoners were deprived of the means of obtaining such religious instruction as they themselves might wish to receive, and such as they might if at liberty have been able to procure, it was right that means should be provided of supplying that which was thus taken away from them. But that was a perfect fallacy, because, in point of fact, religious teachers of all persuasions were permitted to go and did go into gaols. Besides, if the principle were worth anything, it would apply with much greater force to sailors in the navy, who were shut up in ships, and utterly deprived of the power of resorting to religious instruction of their own choosing, and it would also apply to soldiers serving on foreign stations. The real question was this—did there really exist any grievance? He had communicated with the chaplains of several gaols in different parts of the country, and particularly in London, Manchester, and Bristol, and he had learned from them, that complaints were never made by prisoners on account of their religious scruples being interfered with. By the introduction, therefore, of this clause, the House would not remedy any practical evil, and would establish a precedent which he could not but regard as one fraught with danger to the Established Church. He had thought it his duty to make these observations, but at the same time he would not put the House to the trouble of dividing.

Mr. *Fox Maule* protested against the statement of the noble Lord, that any attempt had been made to smuggle this clause through the House. It had been fully debated on no less than four different occasions, and every opportunity had been afforded for the public consideration of it. With regard to the noble Lord's observations in reference to spiritual instruction for the army, it should be recollected that persons who entered the army did so voluntarily, and knowing to what extent they could avail themselves of spiritual instruction; whereas persons who were incarcerated in prisons were forcibly removed from society, and being thereby deprived of the ordinary means of obtaining that instruction, it became their duty to provide it for them.

Mr. *Pryme* supported the clause. Although he respected the noble Lord's motives, he could not agree with him, that even supposing Roman Catholic prisoners had shown an indifference to religion, they were, therefore, to be refused the advantage of moral and spiritual instruction. He maintained the very contrary. Where the lives of individuals were at variance with the precepts of religion, it became the more necessary to teach them the value and importance of those precepts.

Mr. *Langdale* observed, that in two long debates, in which the noble Lord, the Member for North Lancashire, and the right hon. Gentleman, the Member for Tamworth had taken part, this question had been fully discussed. The noble Lord, therefore, had nothing to complain of on that head. The noble Lord had said, that by this clause a blow was aimed at the Established Church. Now, that he had never attempted and never would. He had been informed, that in districts where Roman Catholics were numerous, the Roman Catholic clergymen were obliged to leave their congregations to attend to prisoners in the care of the State. It had, therefore, appeared to him just that the State should make provision for the religious instruction of those prisoners. It was now proposed to separate the inmates of prisons in order the more effectually to give them moral and religious instruction. That being the case, he would ask, could the House refuse to furnish them with that instruction which alone they would be willing to receive?

Mr. *Estcourt* objected more particularly to that part of the clause which stated that whenever Dissenters of a certain denomination should amount to a certain number, a chaplain should be provided for them, than to the particular sect for which such chaplain was required. He saw no reason why fifty prisoners should be regarded, in this respect, of so much greater importance than five prisoners. Was the soul of one of the fifty more valuable than one of the five? Besides, the chaplain to a gaol was a very important officer, whose authority would be considerably diminished by the introduction of other chaplains. He regretted the noble Lord would not divide the House on this clause, against which he protested, as calculated to lead to very great inconvenience, and as being highly injurious to the prison discipline of the country.

Mr. *Morgan J. O'Connell* thought it rather singular, that the hon. Gentleman who had just spoken should have reserved his objections in point of detail, while he advanced none against the principle of the clause, for this stage of the bill. If the hon. Member would move, that the number of persons to whom a chaplain should be allowed, should be reduced, he would support him; and, if in the operation of the bill fifty were found to be too many, he was sure no objection would be made to reduce it. The noble Lord had said, that danger to the Church would result from the principle of this clause. Surely the noble Lord, who belonged to the Irish peerage, must be aware that that principle was acted on in the gaols of Ireland; and if it did not endanger the Church there, he saw no reason for supposing it would in England.

Motion withdrawn, bill passed.

METROPOLITAN POLICE.] Mr. Fox Maule moved, "That the House resolve itself into a Committee on the Metropolis Police and Metropolitan Courts Bill (advances out of the Consolidated Fund)."

Mr. *Goulburn* recommended, that the vote of the Committee should have reference to one of the bills only. If the proceeding were confined to the Metropolis Police Bill, the subject would still remain open, and he, therefore, should not object to the Speaker's leaving the chair.

Mr. *Fox Maule* observed, that he merely required an increase of the grant for the purpose of enabling the House to decide upon the propriety of increasing the salaries of Commissioners and Magistrates.

House in Committee.

Mr. *Fox Maule* moved, that a sum not exceeding 1,200*l.* be the annual salary of the Commissioners appointed to carry into execution an act for improving the police of the metropolis.

Mr. *Wakley* objected to moving such a resolution in so thin a House.

Mr. *Hume* apprehended the resolution was a mere initiatory proceeding to enable the Government to introduce a clause in the bill. When that came to be discussed, the proper time would have arrived for deciding whether the salaries of the Commissioners should be fixed at 1,000*l.*, 1,200*l.*, or any other sum.

Colonel *Sibthorp*, although a rigid economist, had no objection to give the larger salary to those two very valuable officers for their most meritorious public services.

Mr. *T. Duncombe* could not but think the whole of the bills which had been introduced for the improvement of the metropolitan police very clumsy and bungling pieces of legislation. Already had the House been favoured with no fewer than three or four editions of these bills. The first was scarcely intelligible, and the resolution they were now called upon to sanction partook largely of the same character.

Mr. *Wakley* said, that although it might be considered matter of form in that House to vote away money, the people considered it matter of extortion. Although he admitted there were some good provisions in the bill, there were many bad ones of which he disapproved, and which he should oppose. He objected to the salaries of the magistrates, which were too large, and he could see no reason for increasing the salaries of the Commissioners of police. It should not be proposed to increase the salary of the Commissioners to 1,200*l.* a-year each. When their salary was appointed at 800*l.* each, the interest of money was 3 per cent.: now it was 5½ per cent., and really he thought that with our enormous debt, and in such a distressed state of the country, the House ought to proceed on a principle of the strictest economy. He really thought the House was more reckless of expense than the Ministry. When it was proposed, the other night, that 70,000*l.* should be allowed for the building of stables at Windsor, he moved an amendment of 50,000*l.*, and not one Member on either side seconded him. But two Members of the Opposition gave the proposition their highest approbation. The Government would not be so extravagant if the House would insist upon economy. He would not vote for the resolution, unless it were distinctly understood that the House should not be pledged to the 1,200*l.* salaries.

Mr. *Hume* bore testimony to the very efficient manner in which the Commissioners performed their duties. No man in London, even the county coroner himself, ever devoted more time, energy, and talent to the public service, he would say, "from daylight to sunset, and during the night."

Resolution agreed to.

House resumed, and went into Committee of

SUPPLY — EXPENSE OF CHARTERS.] A vote was proposed for a sum not exceeding 70,000*l.* to enable her Majesty to defray the civil contingencies of the year 1839.

Mr. *Hume* objected to one of the items in the vote, for the expense incurred in granting the charters to Manchester and Birmingham.

Mr. *Courtenay* was also opposed to it. In his opinion the parties applying for the charters ought to defray the expense attending them.

Mr. *P. Thomson* said, that it was necessary to make inquiries before any charters were granted, and how could they be paid for but in this manner? It was on account of these inquiries that the present sum was to be voted.

Mr. *Goulburn* thought, that the expense of these inquiries ought to fall upon the parties applying for the charters, and not be defrayed by the public money.

Viscount *Howick* said, it was of the utmost importance, that municipal institutions should be granted to all the great cities in the kingdom, and no difficulty, therefore, ought to be thrown in the way. It was absolutely necessary, that inquiries should be made, and, as persons could not be compelled to subscribe for that purpose, the expense must be paid by a public vote.

Sir *T. Fremantle* thought, that the money ought not to be paid by the public. The Privy Council was a court before which the parties came. Let them, then, pay their own expenses, and do not let the Government say, "If you cannot make out a case, we will send down commissioners to make out one for you."

Mr. *Brotherton* said, the vote was properly asked. He knew that in the case of one application for a charter, a great many forgeries were committed with respect to the names of the petitioners, and the Privy Council found it necessary to send down commissioners to inquire. The Government was bound to pay the expenses of those commissioners.

The *Attorney-General* said the expenses under consideration were not the expenses of the parties petitioning for or opposing a charter, but of the Privy Council. That body had to decide, not merely for the different parties, but for the public, and it was impossible for them to know whether they should grant a charter until they had investigated all the circumstances of the case. It was more economical to send down a commission to the country, than to bring all the witnesses up to London.

Mr. *Goulburn* said, that if the expenses to the parties were lessened by sending down a commission, that was another reason why the diminished expense should be paid by them.

Mr. *Williams* felt so strongly the impropriety of the vote, that he moved its rejection. If Manchester acquired a charter, Manchester ought to pay for it, and not expect all the other cities in the country, which were not benefited by the incorporation of that town, to contribute to the expense.

The *Solicitor-General* reminded the hon. Member, that Manchester and Birmingham had been obliged to contribute to the expense incident to inquiring into the state of the corporation of Coventry. Nothing but a necessary expense had been incurred, and if the House refused to sanction this vote, it would be tantamount to a declaration that no more charters should be granted.

Mr. *W. Williams* said, that Coventry had enjoyed a charter for 400 years, so that the cases were not analogous.

Mr. *Wakley* said, they were told, that there would be a great number of these applications for charters, and he thought, that if they were to sanction this expenditure, they would be only opening a fruitful source of patronage for the Government. These expenses were for objects purely local, and to make the public pay for such objects was neither fair nor just. The Government had sent down commissioners to the various towns, but they had not been told what those commissioners had done, and he would call upon any hon. Gentleman to show any other body of men acting judicially who were entitled to send out persons at the public expense to make inquiries relative to the cases that came before them for decision. He really did not understand these estimates, for in one place, he found a sum of 11*l.* 5*s.* 2*d.* for conveying the Prince and Princess Hohenlohe from Woolwich to Ostend, If his Highness had come over to this country in order to work some miraculous cure, he mi surely pay the expense of the journey back.

Sir *S. Canning* said, he had been formerly in possession of the committee, but had yielded his right in order to allow hon. Gentlemen to run down the hare which they had started. He had allowed the discussion relative to the corporation charters to go on for an hour and a half, but the hon. Gentleman had started a new hare, and he thought it was now time to assert his right.

Mr. *Wakley* said, the right hon. Gentleman was completely mistaken. It was not a hare he had started, but a Prince and a Princess. In regard to the expense of obtaining charters, he thought the burden ought to be borne by the parties who applied for them, and he hoped the hon. Member for Coventry would divide the House against the vote.

Mr. *C. Buller* thought the establishment of corporations in large towns was of great importance to the public, as well as to the towns themselves. The Bristol riots had shown the effect of a want of a good police and a good municipal executive. These riots had cost the country many thousand pounds, and had a good municipal executive existed, all that expense might have been spared.

Mr. *Pringle* said, every town requiring a police force was obliged to come to that House and bear the expense of obtaining a bill, and he thought in the same way that they ought also to pay for a charter of incorporation. In his opinion, it would be introducing a bad precedent if the House were to consent that the public should pay for those charters.

Mr. *W. Williams* would not divide the Committee on the question.

SUPPLY. — DIPLOMATIC MISSIONS.] Sir *S. Canning* rose to direct the attention of the Committee to that part of the estimates which was under the head of "Special Missions." He was perfectly aware, that these estimates had reference rather to the future than to the past, but, as the past was in some degree an indication of the expense to be incurred in the future, they would not be doing their duty if they allowed any portion of these estimates, in regard to which there might be any doubt, to pass without observation. The first thing to which he would call attention was, the charge for the mission of Sir Charles Vaughan to Constantinople, and he would beg the Committee to recollect the peculiar circumstances connected with that embassy. The amount charged in the present estimates was only a part of the expense which it was said had been actually incurred, and when it was considered, that the embassy had not succeeded, that, in fact, the ambassador had never reached his destination, he thought the amount was such as to call for some explanation. There was another head to which he wished to call attention, and which related to the excursion of Mr. Macgregor and Dr. Bowring. Under that head he found a charge of 2,579*l.*, and how and for what object so large a sum had been expended, he was unable to ascertain. Some explanation on this point, he thought, was also necessary. There was another item to which he would briefly call the attention of the Committee. He alluded to the expenses of the Earl of Durham in the mission to Canada, the amount of which required explanation. In making this remark, he was anxious to guard himself against any chance of misconstruction, for he was aware of the delicacy of objecting to what might be called personal expenses. In speaking of those of Lord Durham, he felt it necessary to say, that that noble Earl had not drawn on himself any, even the slightest, ground for a charge of misapplication of the expenditure of his mission. Nevertheless, he thought that the great amount of the expenditure of that mission required explanation. The Committee would scarcely believe, unless they saw the estimate, that the expenditure of the noble Earl was on a scale, and at the rate of about from 50,000*l.* to 55,000*l.* a-year. Was it to be contended, that the representative of the Crown sent out to a republic, or he should rather say to a colony with republican habits, and more particularly with habits of republican plainness and frugality, should be required to live in the style of the first nobleman in his own country, and that in a country where there was no nobleman.

An *Hon. Member:* How can the right hon. Gentleman make out that the expenses of Lord Durham's mission amounted to 50,000*l.* or 55,000*l.*

Sir *S. Canning* said, that with some deductions, he found that the personal expenses of the noble Earl were 32,000*l.* or 33,000*l.* These, it should be observed, were not for a whole year, but for a period of only eight months; and then it should be recollected, that the noble Earl had generously applied 10,000*l.* out of his own private funds for his personal expenses. This sum, it was true, was not paid out of the public money, but it served to show the great amount of the other expenditure for the period he had mentioned. The noble Lord must, in fact, have carried on the mission at a rate of oriental expenditure, and this appeared the greater, when they recollected who and what the noble Earl was before he was called to the House of Peers—and that he had been a Member of the House of Commons, and that he had been a distinguished member of that party which had almost arrogated to itself exclusively the merit of economy. When it was recollected that noble Lord had, when a Member of the Commons, denounced, and almost from the very spot on which he then stood, the expenditure incurred by the mission of a right hon. Gentleman, now no more, (the late Mr. Canning) in the embassy to Lisbon —when these circumstances were borne in mind, it was impossible not to feel surprise at the great amount of the noble Earl's expenditure in the Canada mission. When he alluded to these circumstances, let it not be supposed, for a moment, that he was influenced by any personal feelings with respect to them. Nothing was further from his thoughts. His right hon. Friend, the Chancellor of the Exchequer, seemed by his cheer to cast a doubt upon his statement. Did the right hon. Gentleman mean by that cheer to impute to him any personal feeling towards the noble Earl on the present occasion? From the silence of the right hon. Gentleman, he inferred, that he did mean to impute to him personal feeling in this matter. If that were so, all he would say at present was, that the right hon. Gentleman did not know him; but, whatever might be the feelings of the right hon. Gentleman, they should not deter him from discharging his public duty, and he would again say, that there were good grounds for calling the attention of the House and the country to those items, and for requiring some explanation respecting them.

Mr. *C. Buller* regretted, that this question, which certainly deserved the attention of the House, should have given rise to any personal feeling. If any party or personal motives had been attributed to the right hon. Baronet when making a temperate inquiry, there might have been some reason for his heat.

Sir *S. Canning* must throw himself upon the House. The hon. Gentleman behind the Chancellor of the Exchequer was mistaken; he had not complained of what had been said, but what he had seen.

Mr. *C. Buller:* If such an imputation had been made, it might have accounted for the right hon. Baronet's natural warmth. But who mentioned the case to the House, who attributed a motive, who cast a suspicion? Why, no one; but it was the speech of the right hon. Gentleman himself which insinuated it; he recurred to the part Lord Durham had formerly acted—to the part which the noble Earl took with respect to Mr. Canning's mission to Lisbon; he (Mr. C. Buller) was sorry to see the introduction of topics into this discussion which were calculated to revive bygone animosities, that he had hoped to have seen slumbering in the pages of *Hansard's Parliamentary Debates.* He was sure, that the right hon. Gentleman only meant that these were not proper topics to introduce. The noble Earl was compelled to make a large expenditure; but what was the nature of that expenditure? The right hon. Gentleman surely would not maintain that the Earl of Durham was sent out as a pattern for an independent republic—["*A dependent republic.*"] Well, a dependent republic, then, if hon. Gentlemen liked, for a republic they would have it some way or the other. Republican forms of government in Canada! He hoped that no report of the debate would go forth, to show that the hon. Gentlemen opposite sanctioned the idea that there were, or ought to be, in Canada, republican forms. Lord Durham did not go as the representative of the Sovereign to what might, perhaps, be a hostile nation; but he went as Governor: it was necessary that he should keep up the state of a Governor. All the House was asked to allow, was the necessary expenditure of the Governor-general of a colony; under peculiar circumstances, and no more did Lord Durham require. It must not be supposed, however, that in Canada living was cheap. The expenditure in many parts of the United States was large, and in Canada it was greater than it was here. It should be recollected also, that Quebec was suddenly filled with a large population, and that the price of commodities was consequently raised. Then a sum for building was expended for a house for the Governor-general, and he was sure that the right hon. Gentleman, with all his love for republican institutions and fashions, if he were shown the rooms occupied by Lord Gosford, would think them unfit for a Governor with a family and household; they were formerly the rooms of the aide-de-camp of Lord Dalhousie. The House of Assembly was vacant, and it was fitted up for the Governor-general, and there was no improper expense. It was necessary to lodge the suite in houses. Now houses were usually let in Canada by the year, and in Montreal by the two years; so that the houses must be taken for one year. There was in this branch an annual expenditure, and it was not right to multiply the actual sum expended, as if it were a proportional part of the annual expenditure. A house at Montreal was necessary for the Governor to pass the winter in; and to show how proper this was, Sir John Colborne, since he had been Governor, had occupied the very house hired by Lord Durham. The expenditure was for colonial purposes generally, and did not refer solely to the noble Earl. There were a great many other expenses. The staff was larger than in other missions; it was necessary to incur greater expense in carrying on the whole government of a country, the constitution of which was suspended, than in a mere mission of diplomacy, where there was one supreme person and only a few others who acted as clerks. Then there were the expenses of the commissions of inquiry, which no one would say did not produce great good. Indeed, there was one from which no Gentleman, on either side, said had not been derived great benefits: he meant the waste lands commission. He hoped, in consequence of that commission, that the system of disposing of the Crown lands would be so altered, that the whole system would be a source of wealth to the community, and that there would be no jobbing. The Governor-general was also directed to summon the governors of the other colonies, and it was necessary to entertain them and their suites. There was also the expense of travelling, which was important. Lord Durham had travelled between 1,500 and 1,600 miles, and it was necessary to hire steam-boats, which were very expensive. The hon. Gentleman was quite right in supposing, that the noble Earl had paid the whole of his personal expenditure, which was generally borne in such missions by the public, out of his own purse; and if the expenditure on the part of the public were large, it was not the fault of the noble Earl, but arose from the nature of the service on which he was sent. He was as much opposed as any one to a lavish expenditure; but he believed, that this did not exceed the limits of the ordinary expenditure of a Governor-general of a British colony under such circumstances.

Mr. *Goulburn* said, it would be better to give the Governor-general a specific amount for his expenses, than to allow him an unlimited power of expenditure; for, however well his discretion might be exercised, the other plan would be more satisfactory to the country.

Mr. *Labouchere* was relieved from the necessity of entering into any explanation respecting the expenses of the Earl of Durham's mission, by the statement of the hon. Member for Liskeard, but must state that in the opinion of his noble Friend at the head of the Colonial Department, that expenditure had not been by any means extravagant. With regard to the expense of his passages, to and from this country, much misrepresentation had gone abroad. The fact was, Lord Durham had not interfered in that matter at all—he had merely sent to the Admiralty a list of persons for whom he required passages, leaving the whole of the details to them. With regard to the missions of Dr. Bowring and Mr. M'Gregor, he was surprised to hear the right hon. Gentleman say, that the Ambassadors possessed sufficient knowledge to enable them to do without such services. The right hon. Gentleman himself had admitted the merits of Dr. Bowring, and he was happy in that opportunity of bearing his testimony to the talents, acquirements, and industry of Mr. M'Gregor. No public servant had ever rendered greater services than that gentleman.

The *Chancellor of the Exchequer* begged to offer a few words to the Committee, by way of explaining away a misapprehension which seemed to have arisen in the mind of the right hon. Gentleman (Sir S. Canning), with reference to his having cheered. He disclaimed all motives of which the right hon. Gentleman could reasonably complain, and denied any intention of expressing the slightest improper feeling towards him. He had no wish to mix up old recollections with the present vote. Suppose he had been in the House at the time Lord Durham made his motion about Mr. Canning's mission to Lisbon, and suppose he had voted with Lord Durham (then Mr. Lambton) upon that question, what on earth could that have to do with the present discussion? He had to apologize to the right hon. Gentleman for any reference to former transactions and feelings by his cheer; but the right hon. Gentleman was himself responsible for the first allusion to them. His wish was to have this question discussed upon its own intrinsic merits.

Vote agreed to.

Committee to sit again.

HOUSE OF LORDS,

Monday, *June* 24, 1839.

MINUTES.] Bills. Read a first time:—Templar's Estate; Prisons.

Petitions presented. By Lord Melbourne, from three places, against any Alterations in the Beer Laws.—By the Duke of Richmond, and Lord Glengall, from two places, for a Uniform Penny Postage.—By the latter, from Tipperary, against any Alteration in the Corn-laws; also from Dublin, against the Government Appointments to the Commission of the Peace.

DISTURBANCES AT MULLINGAR.] The Marquess of *Westmeath* said, that when on a former occasion he, as the Lord-lieutenant of the county of Westmeath, brought before the Government the misconduct of a certain individual holding her Majesty's commission in reference to certain outrages committed at Mullingar in 1837, he conceived, that he had sufficiently discharged his duty, and he was anxious to have left the matter with the Government; but circumstances had since occurred which made it impossible for him to let the matter rest in its present position. Unfortunately, the county of Westmeath was in so depraved a state, that it behoved the Government to have been more than ordinarily cautious in doing anything that might be setting a bad example, or be giving encouragement to the excesses of the people, aggravated as those excesses had been by election disputes. During the last fortnight of the month of December, 1838, and the first fortnight in January, 1839, no less than six murders were committed in that county alone. This showed the necessity of the Government being doubly cautious how they connived at the misconduct of persons in authority residing in that disturbed part of Ireland. The Government instituted an inquiry into the disturbances at Mullingar, and had, in consequence of a motion made by him, published copies of the letters and documents, and also what purported to be a copy of the evidence produced and taken during that inquiry. But on referring to these publications, he at once perceived, that two important letters were altogether omitted, and various portions of the evidence likewise suppressed. He thought, that the minute of the Marquess of Normanby with respect to Mr. Sheil was not borne out by the evidence, nor was the minute as to the police acting without the assistance of a magistrate, when Mr. Sheil first went into the House, correct. The whole examination, in his opinion, showed that Mr. Sheil was not a fit person to remain in the commission of the peace. When he last brought the matter before the House, he was libelled in a newspaper, and to that libel a letter of Mr. Sheil was appended. For this letter he had prosecuted Mr. Barrett, the editor of a certain newspaper, in the interest of a particular person who made much noise in that country. It was a most flagitious libel; and when the time was coming for bringing Barrett up for judgment, and more than this in the Ministerial organ, the *Morning Chronicle* of August last, at the conclusion of the Session, the editor had levelled at him a tirade a yard and a half long of the most abusive description. He had stated in the House, that he had not had with the Government, that confidential communication to which he was entitled; and the editor said, "confidential communication! Why, the noble Marquess never will have a confidential communication;" but none of these attacks should deter him from performing his duty. Would the noble Marquess allow a select committee to be appointed to inquire into the evidence?

The Marquess of *Normanby* said, that this was so stale a subject, that he would not enter at length into an answer. He must, however, refer to one point omitted by the noble Marquess, to Mr. Brooke's own account of the minutes of the evidence, they were minutes taken down by Mr. Brookes himself, and he did not pretend to give the questions and answers. As to the two letters, he could not explain the reason why they were not produced at the inquiry, except, that they appeared to be very irrelevant. There was no intention of suppressing any letter, but as no copy could be found, a copy was made of the original minute, and in a note it was expressly stated; that this copy might probably differ slightly from that in the noble Marquess's possession. It was not possible for him to go into all the parts of the stale, and, as he must call it, trivial case, before their Lordships, but there was one which he could answer for, on referring to the printed evidence in his hands, whilst the noble Marquess was complaining, that Mr. Sheil entered the public house, he did so, on pretence, that the police were acting without the authority of a magistrate, and he found at page 35 in the evidence of Mr. Fitzsimon that they were proceeding in consequence of hearing that the police were acting without the authority of a magistrate. At the time although it appeared, that a slight degree of blame for circumstances arising out of the heat of an election might be imputed, yet he had determined upon making no further investigation. But the desire manifested, as well on the part of Mr. Sheil, as of others, induced him to grant the investigation. He must say, however, that the noble Marquess made attacks in that House on those who were absent, which were neither proper to take place in debates in that House, nor consistent with the character of such an assembly. The noble Marquess had, on a former occasion, described Mr. Drummond as having been guilty of "equivocation" with respect to some papers, and was it right that without any ground for it, the noble Marquess should do this?—was it consistent with the character or credit of the House? The papers were missing in the early part of last year; search was made for them, and letters written to many parties supposed to have them: and when they could not be found, copies of the minutes were furnished. Then, again, with respect to Mr. Sheil, he did not think, that the noble Marquess in speaking of that Gentleman, had adopted the usual course of a Peer of Parliament. The charge was not, indeed, in his speech in Parliament, but in his letters to the Government, in which he called upon them to prosecute Mr. Sheil under the Spirit Licence Act. The clause of the Act referred to by the noble Marquess, referred only to persons "drinking, tippling, or gaming;" and the inference which must be drawn from this was, that he charged Mr. Sheil with drinking, tippling, or gaming. He specifically charged him with being at a tumultuous assembly, and it was not quite fair to Mr. Sheil to charge him with drinking, or coming under the operation of that clause in the Spirit Licence Act.

Matter dropped.

Bills of Exchange Bill.] The Marquess of *Lansdowne* having moved the order of the day for the House to resolve itself into Committee on the Bills of Exchange Bill, and the House having gone into Committee, the noble Marquess observed, that as the House had permitted the second reading of the measure to pass without explanation, they would probably expect some statement on the present occasion. The object of the bill then on their Lordships' Table, was to render perpetual a law that had been temporarily in force during the last two years. The bill had been under trial, the experiment had proved successful, and he did not hesitate to say, that it would be a great boon to the commercial interests of the country, if it were rendered permanent. Some time ago, when inquiries were instituted for the purpose of ascertaining the expediency of renewing the charter of the Bank of England, it was ascertained, that a measure such as he now desired to see renewed was a matter not only of justice and expediency but almost of necessity. The Bank of England was accordingly relieved from the operation of the usury laws, and in a year or two afterwards it was thought to be only just and reasonable, that the latitude afforded to the Bank of England should be extended to all other commercial bodies, and that they should enjoy similar facilities in the transaction of business, A bill had been introduced in the House of Commons which came up to the Lords, and the noble Duke opposite persuaded their Lordships to limit its operation to two years. That bill had become law; bills of exchange were discounted at rates exceeding five per cent., and the experiment had proved not only harmless, but eminently beneficial; he therefore contended that it should not be a measure enacted and re-enacted from time to time, but that it should be embodied in the permanent legislation of the country. He said nothing of the bearing of the usury laws upon the landed interest; the object of the present measure was merely to remove a bar which operated to the disadvantage of the mercantile community. When they went into committee, he should move a clause extending the operation of the measure to collateral securities. India bonds, Exchequer-bills, and other negotiable securities, were frequently lodged to guarantee the payment of the promissory notes given when loans were obtained. The deposit of these securities had in the present state of the law, the effect of rendering a discount exceeding five per cent. illegal. Feeling that it was the duty of the Legislature to render all securities for money borrowed as perfect as possible, and to afford the borrowers every reasonable facility for making them as complete as circumstances permitted, he should certainly feel bound to submit to the committee the proposition to which he alluded; confidently believing, however, that it would meet with no opposition. He trusted, that their Lordships would not object to the principle of the measure. He trusted, that their Lordships would allow the commerce of this great country to look in times of need for that assistance which they could not now obtain.

The Duke of *Wellington* did not so much object to the measure itself, as to its being made perpetual. His objection to its being made perpetual was, that it gave temptation for the commission of a vast number of frauds, many of which had come to his knowledge in consequence of the intercourse which he had had with a number of persons who were more liable to frauds than others—he meant the officers of the army and their families, who had suffered considerably by the frauds to which he had referred. He was therefore anxious, that although the bill should pass in order to relieve the public from any oppression upon the commerce of the country at this particular moment, yet he felt that the general profits of trade in this country could not be expected to yield an interest of more than 5 or 5½ per cent., and that they should not hold out to the public the permanent expectation of a higher rate of interest than that, and enable those who had been fraudulent in intention, to carry that intention into execution, with respect to the unfortunate individuals to whom he referred. He thought, that their Lordships therefore would guard those persons from such misfortunes by providing for that for which it was necessary, that they should provide at this present moment, and limit the duration of the bill to the 1st of January, 1842. He would move a clause to that effect.

Lord *Wynford* said, this bill was equal to the repeal of the old usury laws. By the present bill, after a bill at twelve months became due, exorbitant usury might be charged. Unless some proviso were introduced into the bill to prevent this, young men in the army, and others, might be induced, when the first note was expired, to give another note, and be robbed on that to an exorbitant extent. He should move a proviso to be added to the first clause to prevent interest being paid on notes at more than five per cent. after the first twelve months had expired. Were this proviso not added, cases of the most extravagant nature would be occurring. He knew that it was usual for money-lenders to lend money at very great amounts of interest, and as the bill now stood, they were left at liberty to do so.

First clause put and carried.

Lord *Wynford* then moved his amendment as a proviso of the first clause.

Lord *Ashburton* said, that this was undoubtedly a question of considerable importance. He had been of opinion for many years, that if they provided to do away with all measures relating to the interest of money, that money, like everything else, would find its level in the market. He agreed with the noble Duke in the view he had taken of the measure. He should further state as a circumstance that should induce their Lordships to pause on this subject, and to give it some consideration, that however desirable this measure might be as a theory, it was in opposition to the practice of every other state on the face of the earth. There was no other country, either in Europe or in the new world, in which there was not restriction by law on usury except in the town of Hamburgh. That example of the experience and practice of mankind was an authority against having no restrictions on money-lenders. If this bill should pass, bills could be discounted at any rate of interest, though they had twelve months to run. He hoped that their Lordships would adopt the amendment proposed by the noble Duke, not at once to make this measure perpetual, but to give it a little further time of probation. That would not be a great inconvenience to the public, and it would enable the legislature before coming to a final decision to ascertain more correctly the operation of the law to pursue. He had made inquiries among classes of well-informed people as to what had been the effect of the alteration in the usury laws. He believed that, as to its working, with respect to this country, the benefits had been very much overrated. He very much doubted that any practical good would arise from it. He was convinced that much increased confusion was created in the circulation of the country by the assistance given by the bank. He doubted very much whether any increase of capital could be brought into the market by an increase of interest. His opinion was that unfortunate persons, and persons reduced to great distress, would be induced to give great interest, if it were allowed. Whatever their Lordships might think of the measure, he did not think it would be of any considerable use, in mitigating the distress which was supposed to exist. He had been informed by solicitors in town that many usurious transactions had been opened and certainly, were it not for the pressure which was supposed to exist at that moment, which would make him hesitate in disposing of this question to say anything which might tend to produce inconvenience, and perhaps injury—if it had come before the House in quiet times, when the question could be more safely discussed, he should have moved that it be sent to a committee up stairs, and he could produce some information which would surprise their Lordships. He was told that very extensive usury was obtained, and that the greater facility of raising money on usurious terms had greatly increased the number of improvident young men. For these reasons his desire was, that the measure should be temporary, rather than permanent. This would give further time to perfect an inquiry into the operation of the relaxation of the usury laws, leaving them to others to discuss what were the causes of the present state of things in the money-market; and leaving to the noble Viscount at the head of the Government to consider whether the Bank of England had acted right in the late transactions; leaving these subjects, he would only say that he believed that by the exercise of a little common sense and a little of that prudence which the people of this country always applied to their difficulties, the present unfavourable state of affairs might be expected speedily to right itself. He should vote for the motion of the noble Duke.

The *Lord Chancellor*: The effect of his noble and learned Friend's (Lord Wynford's) amendment, however, desirable in his own view, was perfectly unattainable. The effect of it would be, that a party not bringing his bill within the circumstances allowed by his noble and learned Friend's amendment, would cause to be issued an illegal instrument. A bill being a negotiable security, who could say which of those presented to him was legal? So that the effect of it would be not only to vitiate those bills to which it applied, but all others. And suppose his noble and learned friend's amendment were attainable, what was it meant to answer? A party, at five per cent., has raised a sum of money by bill. At the expiration of the period to which it is to run he finds he cannot pay it, not from any fault of his own, but because, from the change in the value of money, it cannot be had on the same security. The holder of the bill might be willing to trust him, but not at the same interest as that at which the money was originally borrowed. But if he were bound by law to provide payment for the bill, and was precluded from raising it by paying a higher rate of interest to the holder, he would naturally go next door and procure the money at eight, ten, or twelve per cent., for the purpose of meeting the bill. Extortion would be sometimes practised under any system that could be devised. The only question was how it could be most effectually restrained. In this town, and in this country, and in all towns and in all countries, there would be found persons who having money were desirous to lend it at the highest interest, and others who must borrow it at all events. According to the law as it stood by the present bill, the party wanting the money was by law permitted to raise it at an interest higher than five per cent. If that were not the law, as it was not formerly, what would be the effect? One man having money to lend and the other wanting to borrow it, the former must do one of two things; either lend it at an illegal interest and indemnify himself by charging an exorbitant one, or taking an insurance on the life of the borrower, in addition to the legal amount of interest, and charge him with both. Therefore, the more illegality was interposed between the borrower and the lender, the more burthen was necessarily thrown on him who wanted money. When bills at the present legal rate of interest were illegal, of course they were not heard of so often as now; but he could not conceive how their being made legal aggravated the burthen of the borrower who was relieved from all charge for the risk which was formerly run.

The Duke of *Wellington* was most desirous that the House should not extend this power of discounting bills at a higher rate of interest than the usual rate for more than two years, or thereabouts. He wished this with a view to put upon their guard people who, having money, are liable to extortion. He had met with instances of sufferers in this way, who had been led to believe, that the profits of trade reached the same per centage in general. He said two years, because he thought that was the period for which the measure might be wanted by the state of trade in this country.

Lord Wynford's amendment withdrawn.

On the question, that the Duke of Wellington's proviso, limiting the duration of the measure till 1842, being put,

The Marquis of *Lansdowne* said, he thought that the experience of the last two years afforded a better reason for making this a permanent law, than having recourse to temporary expedients from time to time. Of course, he should agree in the noble Duke's proposition, if he (the Marquess of Lansdowne) could see the necessity of putting people upon their guard, as to their own interests, or teaching them the value of money. If money-lenders were prevented from lending money at the market rate of interest at the time, they would, in consequence, go all the further in extortion; and thus the borrower would be obliged to pay, not only for the risk of loss, but for all the additional subtleties imposed by the state of the law upon the lender. He could not consent to the amendment.

Their Lordships divided on the proviso:—Content 69; Not Content 52: Majority 17.

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Bute
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Sandwich
Cardigan
Galloway
Aberdeen
Dunmore
Dartmouth
Harrington
Warwick
Bathurst
Mansfield
Roden
Clanwilliam
Mayo
Wicklow
Bandon
Rosslyn
Wilton
Limerick
Charleville
Lonsdale
Harewood
Verulam
Beauchamp
Wallace
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Glengall
Eldon
Munster
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VISCOUNTS.
Sydney
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Canterbury
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Lincoln
Exeter
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Willoughby de Broke
Kenyon
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Wodehouse
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Effingham
Charlemont
Zetland
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Burlington
Clarendon
Camperdown
Radnor
Minto
Bruce
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Lovelace
VISCOUNTS.
Melbourne
Duncannon
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Falkland
Holland
Poltimore
Lilford
Montfort
Barham
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Methuen
Portman
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Lovat
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Stanley
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Selkirk	Albemarle
Bathurst	Durham
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Sheffield	Petre
Brecknock	Ilchester
Doneraile	Kintore
Exmouth	Strafford
Gloucester (Bishop of)	Chichester (Bishop of)
Saltoun	Roxburgh
Cowley	Bateman
Skelmersdale	Seaford

Bill reported.

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HOUSE OF COMMONS,

Monday June 24, 1839.

MINUTES.] Bills. Read a first time:—Pleadings in Court (India); Public Works (Ireland).—Read a second time:—Exchequer of Pleas; Borough Courts.

Petitions presented. By Sirs C. B. Vere, R. Bateson, T. Freemantle, C. Knightly, C. Burrell, G. Clerk, Lords Norreys, Stanley, Captain Alsager, Messrs. Milnes, Blewitt, O. Gore, Bailey, Christopher, R. Palmer, Wodehouse, and Miles, from a great number of places, against, and by Messrs. V. Smith, and Philips, from two places, in favour of the Government plan for National Education.—By Sir R. Bateson, from Londonderry, against the Grant to Maynooth College; and from King's County, for the Better Observance of the Sabbath.—By the Lord-Advocate, from Aberdeenshire, against Church Endowment in Scotland.—By Mr. Milnes, from Yoole, against the Bastardy Clauses in the New Poor-law.—By the O'Connor Don, from Roscommon, for Corporate Reform in Ireland.—By Mr. D. W. Harvey, from the Sheriffs' Officers of Middlesex, for Compensation.—By Mr. O'Connell, from Waterford, against the existing Prison Discipline.—By Mr. Gillon, from Auchtermuchty, against any Monopoly in Printing the Scriptures.

SUPPLY.—EDUCATION.] On the motion of Lord *John Russell*, the House resolved itself into a Committee of Supply. The noble Lord then said, that having already explained his opinions upon the subject of the vote of this evening, he should not think it necessary to enter into the general question in proposing it in a committee of supply. The objections that had been taken, or which might be taken, to the general subject of education, rested on a great principle, which could not be very conveniently discussed after the long debate which had taken place with respect to this subject before the Speaker left the Chair. It might be said, that the whole education of the people should be left in the hands of the Church, and that this House ought not to contribute any sums of money which should not be placed at the disposal of the Church; but these were not the questions now in dispute—but they were whether this House would agree to a vote of 30,000*l.* for the purpose of public education; or whether they would altogether refuse that grant, because that was the proposition which the right hon. Baronet, the Member for Tamworth, had declared his intention to move. He understood certainly that that was the proposition of the right hon. Gentleman, and that the ground of his objection was, that instead of the money being voted to be placed at the disposal of the Board of the Treasury, it was a sum exceeding that in amount which had before been given, which was to be placed at the disposition of a Committee of the Privy Council, consisting of certain of her Majesty's servants. He did not see, however, on what argument the refusal of the grant was to be placed. He could understand, as he had already said, the high argument that the House ought not to encourage any doctrine or opinion but that which was held by the Established Church, in connexion with the State, and that no contrary doctrine ought to be encouraged by the way in which a vote made in Parliament might be applied; and if hon. Gentlemen opposite were all agreed on that argument, it was like telling the House that they would decline the grant when it was made upon any other principle than that which they advocated. But with respect to the mere question of leaving this grant at the disposal of the board of the Privy Council, or of the board of the Treasury, it did not appear to him, although it might be convenient to them to sink their differences in form, that there was any ground on which they were entitled to make any objection to a grant for public education, and to the schools of Great Britain, upon any such suggestion as those which had been thrown out. He thought that a better argument might have been raised on the other view of the question; and supposing that there had been a Committee of the Privy Council specially appointed for the purpose of promoting education, and if the grant made by Parliament had been placed at their disposal, and given, as it was proposed to be, partly to the schools under the National Society, and partly to those belonging to the British and Foreign Society, and it had been proposed to make some change in the distribution of the money, and place it, as it was now placed, to be appropriated by the Board of Treasury, he thought that that might have been a tolerable argument. It might have been said, in reference to those persons who were proposed, "We have some power over the Members of the Council; they are before Parliament every year; and they are not persons who are hostile to the Established Church; but if you leave it altogether to the Board of Treasury, it is constituted for a different purpose, and cannot so conveniently superintend this matter of public education; they will view the subject as a matter not immediately before the Board, and the Board of Treasury will probably relieve some persons belonging to the Roman Catholic Church, and other sects differing widely from the Established Church." But if the changing from the Board of the Treasury to the Committee of Privy Council were set up as a reason for refusing altogether a vote for the sum applied for education, it appeared to him to be an extraordinary assertion to make on their part, if they said that that was a good argument. No: the objection which they really entertained was, that a great number of hon. Gentlemen opposite had a strong and conscientious objection to any grant being made which might be disposed of in procuring the education of the people of this country on any other principles than those of the Established Church; and it was in vain for them to set up any other ground-work for the arguments which they had raised. But he begged, in moving this vote, to bring before the House the fact, that the difficulties now started had not now for the first time been brought forward; but they had occurred very early after the formation of the two societies, the National Society and the British and Foreign Society, which had undertaken, by the valuable aid which was given by Parliament, to superintend the wants of the people in respect to education. The British and Foreign School Society had been formed first, at the time that Joseph Lancaster, with great intelligence and industry, had undertaken to form a school, from which it appeared his chief object was to afford some education to the people at a cheap rate; but he being a member of the Society of Friends, and those who were joined with him being also members of the same society of Dissenters, it was laid down as a necessary condition, that all classes, of whatsoever sect, who should apply, should be admitted to the schools which were at first set up; and accordingly Protestants, Dissenters, and Roman Catholics, as well as members of the Established Church, were admitted to the benefit of the schools. When these institutions became generally known, and their principles became to be explained, George 3rd sent one hundred guineas for the establishment of the schools, which was afterwards continued. At their very first establishment, also, several members of the royal family contributed to them also, and took an interest in their character as well as in the mode in which they were conducted. Not only George 3rd sent donations, and Queen Charlotte, but the Prince of Wales, the Duke of Kent, the Duke of Cambridge, and the Duke of Sussex, all took a part in favouring their formation, and at that time there seemed to be a general agreement, that in founding these schools it was desirable that all classes of Christians in this country should be enabled to send their children to be educated in the same school, and that there was no insuperable objection on the ground of difference of religious creed. But after a time those who differed from this opinion set up schools of their own, under the name of the National School Society; and he had in his hand a volume of the reports of the British and Foreign School Society, in which there was a correspondence which took place soon after the formation of that society, relative to an attempted union of the two institutions. Both the societies had branches at Canterbury, in which there had been children educated under their respective regulations, and the Friends of the British and Foreign School Society, at a general meeting, concurred in an opinion that it would be very desirable that they should present their respects to the Archbishop of the diocese to procure their union, without the necessity of children repeating the church catechism, and without their being called upon to attend any church but that to which their friends were in the habit of attending; and they requested his Royal Highness the Duke of Kent to become the medium of communication with the most reverend Prelate. This was in the year 1813. His royal highness accordingly wrote to the Archbishop, and stating his opinion of the British and Foreign School Society, said, that he might rely on his most zealous exertions, united with those of the committee to promote the objects which they had so much in view, believing the society to be most useful in promoting the cause of education among the poor, which he knew his Grace wished so much to secure. This was the Duke of Kent's observations, and he himself established a school upon the same plan in the regiment of which he was colonel. The most reverend Prelate wrote in answer, that the diocesan school of Canterbury, was united with the national institution, and subject to the same rules which governed that society. Among them was one which required that all children should be instructed in the Liturgy and in the catechism of the Established Church, and he therefore humbly submitted to his royal highness, that, under these circumstances, it was impossible for him to admit the adoption of the Lancasterian system. From that time, therefore, that effort having failed, the two societies had gone on, each on its own principles, but each anxious for the general advancement of education. What the committee of Privy Council now proposed to do was, to apply to those two societies the greater part of the funds which should be voted; but the Privy Council would not refuse to receive applications from schools in any populous or poor districts where it might seem education was more peculiarly required. Neither would they lay down as a principle that they would altogether exclude other schools, or that they would hold it to be a sufficient argument against giving aid to other schools, which tended to increase religion and morality, that they did not belong to the British and Foreign School Society, or the National School Society. It was on these grounds, therefore, that he asked for this vote. He could say for himself, as he said the other night, that it appeared to him, that in the education of the people of this kingdom generally, the principle which would be most likely to obtain the support of the greatest number of the people of this kingdom, would be the principle stated so clearly by the British and Foreign School Society, that of teaching the Scriptures during the week, and allowing the children of each denomination to go to their respective places of worship on Sunday. That was the principle which appeared to him to be the best. It was thought, by the National Society, that they could not submit to this, and what he believed was really wished on the other side of the House was, that no scheme should be supported by the State unless it were immediately connected with the Established Church—that was really their object. He did not believe that the noble Lord, the Member for North Lancashire, or the right hon. Gentleman, the Member for Tamworth, had that view. The right hon. Baronet had given him a lecture the other evening upon the danger of open questions; and he did not mean to deny that there might be those dangers which the right hon. Baronet, who had had experience on those subjects, had pointed out to him; but still there might be a question whether, if there were any great difference existing in a party, it was not as well to avow it at once, and to say, "We do hold different opinions," instead of attempting by means of getting a vote on some fine question, some incidental matter, to conceal that a very great difference of opinion was prevalent among them. The noble Lord, the member for Dorsetshire, and the hon. Member for Newark had stated their opinions in debate—and they would never be wanting in ability to sustain those opinons, or in fairness to avow them; and he did conceive that the opinions they stated were entirely at variance with the opinions which the right hon. Gentleman and the noble Lord had expressed. Therefore, although it might not be an open question on the other side, he conceived that the real difference between them was, whether they should put the whole education of the country into the hands of the Established Church, or admit that liberty of education, what was sanctioned by his late Majesty, and by his Royal Highness the Duke of Kent, and which certainly the present Ministers were disposed to think was the only principle upon which education ought to be supported.

The question was put, that 30,000*l.* be granted by her Majesty for public education in Great Britain for the year 1839.

The question having been put,

Lord *Mahon* said, he felt it his duty to meet the motion of the noble Lord with a direct negative; and, in so doing, he should scarcely have thought it necessary, but for the observations that had fallen from the noble Lord, to explain that his objection, and the objection of hon. Gentlemen on his side of the House, was not to a grant for purposes of education, if it were conducted on proper principles. He should have thought it unnecessary to offer such an explanation as to his own views, or to the views of other Members on his side of the House, in resisting this vote, but for the remarks of the noble Lord; for he could not have conceived it possible that those views could have been so utterly misunderstood, or so unjustly misrepresented, as they had been by the noble Lord, in the course of his speech. Would the noble Lord put them to the proof? Would he consent to move the same vote as had last year been taken, to be distributed on the same principles as formerly, or for even a much larger sum, if its application were to depend upon the rules which had governed its application last year? He called on the noble Lord to put them to that proof, and not to forget what had been explicitly stated by the noble Lord, the Member for North Lancashire—that the main objection was not to the transfer of the control over the Parliamentary grant from the Treasury to the Committee of Privy Council, but that the objection was to the alteration of the principle which was to govern the newly-appointed Board. He would say again, that if the noble Lord were to propose the same, or even a larger grant than that of last year, it would at once receive the cordial and ready support of every Member of the Opposition, if it were to be distributed on the same principle. But, if the noble Lord would not take that course, and if the vote which he proposed were to be regulated in its distribution, by the principle embodied in the Minute of the 3rd of June last—a principle completely at variance with that of the Treasury Minute of August, 1833—the noble Lord left him no alternative, and it became his duty to move a direct negative to the vote the noble Lord had proposed. Throughout the whole debate of last week, aspersions, similar to that just now uttered by the noble Lord, had been cast upon the zeal of hon. Gentlemen on the Opposition side of the House, in the cause of education. The hon. Member for Liskeard went so far as to say, that the whole of that side of the House was opposed to all education of the people; and the hon. and learned Member for the Tower Hamlets, a learned Judge, thought fit to pass sentence against them on this point; but he gave judgment in a way unlike that in which he was accustomed to give judgment elsewhere—namely, without hearing or considering the evidence. Had those hon. Members looked to the lists of endowments and subscriptions for schools, emanating from Members on the Opposition side of the House? Looking at what was done in the cause of practical education by hon. Gentlemen around him, he must say, without meaning any disparagement to the exertions of hon. Gentlemen on the other side of the House, that his hon. Friends need not shrink from the comparison. These were, after all, the real and practical proofs of zeal. He looked to acts, not professions. He respected the man who gave 50*l.* of his money to a school, or spent several hours of his time in superintending it, much more than the man who merely gave his vote to a vague and visionary Minute of the Board of Education. He remembered the remark of Rousseau, that many a man will profess the most generous and philanthropic views in behalf of the Tartars or Thibetians, or some distant people, whom it is impossible to relieve, but that the same man will button up his pocket, and hurry by whenever he sees a beggar in the streets. He (Lord Mahon) had not been able to do much in the cause, but he would yield to no man in his zeal for the intellectual instruction and improvement of his fellow-countrymen. But then he considered it indispensable that intellectual enlightenment should go hand in hand with religious instruction. If they did not combine the two, they would do worse than if they left the people uneducated. If they gave a man no education at all, they left him an ignorant boor; but if they gave him education without religion, in many instances, they made him only a dextrous knave, and, at all events, they did not fit him for the right discharge of many of the most important personal and relative duties which would devolve upon him. He would read to the House, in connexion with this subject, some important statistics by Mr. Guerry, who stated "That, in the department of Finisterre, only 14 in 100, and in Morbihan, only 15 in 100, of the male adult population could read and write. In three of the departments, forming the ancient province of Berry, the proportion was only 13 in 100. These were precisely among the departments in which crimes against the person were most rare. Crimes of property, too, were much less numerous. In Finisterre, only one person out of 29,000, on an average, was convicted of any crime against the person; in La Creuse, only one in 37,000. On the other hand, in the department Du Doubs, on the frontiers of Switzerland, which stood as second on the list of educated departments, and where no less than 73 in 100 could read and write, one out of 11,000 on an average, was convicted of crime. In the department Du Haut Rhin, in like manner, 71 out of every 100 could read and write, but one out of every 7,000 was convicted of crime."

Was it his intention to deduce, from these statements, any argument against education in general? Certainly not. But they showed that where utilitarian knowledge was made the first object, that where religious knowledge was wholly neglected, that where, as in France, the higher ranks were accustomed to entertain and ready to express sceptical and irreverent feelings with regard to Christianity, there the seed was evil, and no good harvest could be found. Without religion, education was rather an evil than a benefit; and what security was there that, by this plan of the noble Lord, religious education would be promoted? These, then, were the two principles by which he thought our conduct as to education should be guided—first, to extend and promote the education of the people—and, secondly, to take care, as far as in us lies, that intellectual improvement should not go forth without the sanction and safeguard of religious instruction. Now, he would undertake to show, that on both these principles the Government plan was deficient. While that plan professed to extend popular education, it would discourage the plans already in operation, and check the exertions now making to educate the people by means of private benevolence; and, in the next place, it failed to provide any safeguard for religious education. The government plan of education was comprehended in the Treasury minute of the 3rd of June, which he found referred to the former minute of the 13th of April; the latter was not abandoned: for the words were — "The plan is postponed until a greater concurrence of opinion is found to prevail." Who was to be the judge of that greater concurrence? Why, the very same Committee which had formed the unpopular plan. And what might not be twisted into a sign of greater concurrence by such favourable judges? A paragraph in some newspaper—a few petitions like that from Scarborough the other evening, signed by only twenty-five names—nay, even the very cessation of excitement might be construed into a feeling of greater concurrence where "the wish was father to the thought." There was no security that the plan would not be resumed so long as it was not abandoned, but only postponed. He had a right, in considering this subject, to take into account the minute of the Committee of the 13th of April, as much as that of the 3rd of June, as forming a part of the Government plan. How would the House consider the subject, if any civil right were proposed to be invaded, and the plan was postponed only, and not abandoned? If the ancestor of the noble Lord opposite —Lord Russell—while manfully striving against the corrupt Ministers of Charles the 2nd, had seen them bring forward a Bill to abolish trial by jury, or the newly acquired Habeas Corpus; if, in consequence of the clamour justly raised against such a Bill, it had been withdrawn, and another substituted by the Ministers, reserving to themselves the power of enacting the abolition they desired at any future time which they might find more convenient; would this have been deemed by Lord Russell an adequate security? Postponement would not in that case be esteemed as any security and why should it in this? He found, that the system of proportional grants, was to be discontinued. Under the existing plan great advantage was derived by the people, not merely from the sum granted from the public treasury, but from a much larger sum which it drew from the hand of private benevolence. The National Society, for instance, had received 120,000*l.* from the Government, and that amount had called forth no less than 222,000*l.* in voluntary contributions. Not only would the proposed plan tend to check that benevolence, but it would open the door to all kinds of irregular applications. With what confidence could the noble Lord go on with that plan? Was it a light thing for him to attempt to force it on the country with a majority of five only in that House in its favour, and with an overwhelming majority out of the House against it? Let the noble Lord have the very best plan that could be devised—let it be as free from objection as it was now liable to blame, he could not force it on the country while it was unwilling to receive it, and had no confidence in it. The best laws would be rendered inoperative if they had nothing but force to recommend them. Look at the case of the reforms of Joseph 2nd in Austria. The hostility called forth against them was not so much directed against the reforms themselves as against the attempt to force them upon the people against their opinions and feelings by the hand of despotic authority. He objected to the division of education into general and special, because it must either lead to a total indifference to all religion, and general infidelity, as it had in some parts of the continent, or it must lead to interminable controversies amongst the parents of the children. The children must either be allowed to lapse into perfect indifference, or they must be warned day by day against conversion from one system to another. He entertained the strongest objection to the introduction of different versions of the Scriptures into the national schools. He believed the introduction of the Douay Bible could not stand alone. If it were granted to the Roman Catholics, on what ground could they exclude the version of the Unitarians? If the permission were granted to one, it should be granted to all; and when he considered, that this regulation applied not merely to the normal school, but to the model school also, that it was designed for general adoption in the country, then he confessed his alarm and apprehension were increased, and his belief, that the plan of the noble Lord afforded no security for religious instruction. The noble Lord had that evening declared that he believed the object of hon. Gentlemen on the Opposition side of the House was to give the Church the sole and entire control over public education. That doctrine was very far from the wish of the great Conservative party in this country. That doctrine was not held by any of its leaders in this House. The noble Lord, the Member for North Lancashire, had not put forward any such claim, and his right hon. Friend, the Member for Tamworth, had expressly renounced it. It was not fair, then, to impute such a wish to that side of the House when they expressly disavowed it. What they objected to was a plan for withdrawing from the control of the Church, those schools which contained the children of her own religious persuasion. Nothing could be more injurious than to introduce a system for preventing the clergy of the Established Church from having the superintendence of their own schools. He had rather anxiously watched how the hon. Gentlemen of Roman Catholic tenets had treated this subject. He understood the hon. and learned Member for Dublin, and also the hon. Member for Waterford, to say, that they did not think there could be any objection to the clergy visiting their own schools, but that they ought to be placed under a central board composed of laymen. [Mr. *O'Connell:* No.] He had so understood the hon. and learned Gentleman; at all events, that opinion was certainly put forward by the hon. Member for Waterford, Now, he would quote an authority upon this point which he thought would have some weight with the hon. Gentlemen from Ireland. About four years ago, a select committee on education was appointed on the motion of the hon. Member for Waterford, who, knowing the deep interest that he (Lord Mahon) felt on public education, did him the honour to nominate him on that committee. Before that committee, there had been examined the rev. Dr. Wiseman the principal of the English Roman Catholic College at Rome, and undoubtedly an acute and able man, and to his evidence he (Lord Mahon), begged to call the attention of the House, because it was very remarkable, that whilst the Roman Catholic Members opposite were calling out and objecting against the clergy of the Church of England having the superintendence over the schools limited to the members of their communion, and preferred the superintendence of a general board of laymen, yet the system at present adopted in the Papal states, went to an infinitely greater length than had ever been dreamed of for the Church of England. In the dominions of the Head of the Roman Catholic Church, there was not a single layman employed either in the central board or in the rural schools dependent on that board. Here was the evidence of Dr. Wiseman. He was asked:—

> "There is a superintending board of education in the Roman states, is there not?"—Answer. "There is the congregation, as it is called, appointed to superintend the system of education throughout the states." "Are there any laymen upon that?" —Answer. "The congregation is composed entirely of ecclesiastics." "Must the schoolmaster necessarily be a clergyman?" —Answer. "I am not aware of any law requiring it, but I do not think I know of any instance to the contrary in rural schools."—"By whom are the schools for females generally conducted?"—Answer. "In every village there are generally two matrons, supplied by a sort of semi-religious order in Rome, called the Maestre Pie, who have a house in Rome from which they are sent out to the respective villages."

Now, he really thought, that this fact ought to show hon. Members opposite, that those on his side of the House were not so unreasonable in the principle they advocated. But it had been said, that the results of the system pursued in other continental countries were in favour of the proposed Government scheme. He did not think that the assertion of the successful results of the mixed system of education had been made with a full knowledge of the facts. In Prussia, the system of joint education had been tried in several districts, and had been found to fail and he believed, that under the system now acted upon throughout that country, there was not a single school that was not in connexion with some church or other. In Switzerland, it was true that the establishment of M. de Fellenberg, at Hofwyl, combined various religious persuasions, without difficulty or dissensions, as he (Lord Mahon) could vouch, from having twice examined that school with great attention, in successive years; but that school was a special one, educating young persons, not from Switzerland only, but from every part of Europe, and not adapted, nor indeed intended, for general imitation throughout any country. He contended, therefore, that that instance was by no means applicable to the proposed system, neither did it bear any analogy to the schools in other parts of Switzerland, with respect to which he wished to direct the attention of the House to another part of the evidence taken before the Committee, to which he had already alluded—he meant the evidence of Dr. Bowring. Dr. Bowring was examined as to the state of education in Switzerland, and a newly framed code for the schools in the canton of Thurgovia was produced, to which much importance and value seemed to be attached. The Committee examined Dr. Bowring as to how far the Protestants and Romanists were educated in the same schools. The Chairman asked him,

> "Are the Protestants and Catholics educated entirely together; is the religious instruction given together with intellectual?"

Answer.

> "It is rather uncommon to find in Switzerland a district which is not principally occupied by the partisans of one or the other of the great religious sects. In general there are Catholic villages and Protestant villages, and from that natural sympathy which exists between individuals of the same religious opinion, there is a tendency among strangers to settle among those whose religious opinions are the same as their own."

He (Lord Mahon) had then put the following question to Dr. Bowring:—

> "As to the Roman Catholics and the Protestants, the practical point would be how religious instruction is managed in those schools where Catholic and Protestant come together. One of your recent answers rather tended to show, that such cases were not common, because whole villages are mostly of the same persuasion; but if there are cases in which they do not intermix, how is the point of religious instruction managed?"

Now, let the Committee observe the answer of Dr. Bowring to that question. He said,

> "I confess it is a question I never asked, because I am in the habit of dissociating inquiries of this sort from any investigation into religious opinions. I have looked through the law of public instruction of the canton of Thurgovia, which I have now before me, and I do not see, from beginning to end, any reference to the religious opinions either of children or parents."

In that last point, however, Dr. Bowring was wholly mistaken as to the fact, for he (Lord Mahon) afterwards called his attention to the 68th article of that very law. It is enacted,

> "Parents who are prevented by the great distance of their residence, or by the inaccessible state of the roads, from sending their children into the school of that religious persuasion to which their place of abode is ascribed, may receive from the commissioners of education the permission of sending their children to a school nearer to their residence, if belonging to the other religious persuasion; in granting that permission, the commissioners are to take care the school be not overcrowded."

This article evidently shows in the canton of Thurgovia a general system of prohibition, or, at least, discouragement, of Protestants and Roman Catholics being educated in the same school, allowing only particular exceptions on account of vicinage. On the whole, he (Lord Mahon) was of opinion, that whether regard was had to the state and condition of things at home, or to the system of education practised abroad, there would be found great reason to distrust the proposal now brought forward by the noble Lord opposite for the adoption of Parliament. If, then, he was asked in what manner he thought the national education ought to be conducted in this country—if he was asked not merely to point out the defects in the system now proposed, but also to show how the public education could be conducted on safe and proper principles, he would answer by pointing to the immense improvements which had taken place in education since the commencement of this century, and especially within the last twenty years, through the exertions of the National and the British and Foreign School Societies. Looking to the results both in this and other countries—looking to the great amount and asperity of of religious differences in this country, he must say, it appeared to him that the system which best promised success was that which had heretofore been pursued. He wished the National School Society to continue in its career of extension and affording education to the people with the same amount of assistance as at present from the Government. He wished the British and Foreign School Society to continue its career, receiving the same assistance. In both cases he should rejoice to see an extension of the parliamentary grant. He rejoiced to know how many hundred thousand children belonging to the Established Church received instruction in the schools of the National Society. He hoped to see that number still further increasing. He rejoiced also to know that a very great number of the children of Dissenters received instruction in the British and Foreign School Society's schools, and were thus partakers of the parliamentary grant. So far from repining at this, it was his hope that these schools might receive the confidence of still greater numbers of the various denominations of Dissenters, and admit them within its walls upon its present principle. Taking the two societies together, he must say, that under the present circumstances of the country, such a course was best calculated for the developement of practical education throughout this country. Indeed, the only difficulty which encumbered this question was then put forth in the second minute of the third of June—namely, with respect to the poor districts, in which there were no contributions from private sources, and, consequently, no share in the proportional grants. from the Treasury, and which, therefore, remained destitute of education. He admitted that such cases occurred, and he also admitted, that they ought to be provided for. But could anything be easier than to provide a remedy for this defect without departing from the existing system? Let grants be made to the National and British and Foreign Societies, for the purpose of enabling them to assist districts from which there came no local contributions, or let the Government itself grant that aid, only guarding, by previously fixing the proportions, against favour being unduly shown to any sectarian body. To an extension of the grant for such a purpose, he was sure all on his side of the House would give the fullest and most cordial support. As to the exercise of discretion, he had no confidence, that under the proposed system, the board would dispense the funds with discretion: he contended, that the system ought to be guarded by fixed and certain proportions, so as to put the present or successive Government beyond the suspicion of undue partiality. He asked for the adoption of the principle embodied in the minute of August, 1832, and must inquire why that principle had been departed from? Those principles might not look as well on paper as the proposition for a central board, but they would work infinitely better. The object was, not to produce a paper plan, or merely to please the eyes of theorists and philosophers. The great fault which ran through modern legislation was, that Parliament was constantly endeavouring to apply uniformity and centralization to circumstances essentially distinct, in attempting to apply the same franchise and regulation to different states of society—the same principle to small hamlets as to large populous cities; to the sheep-walks of Northumberland as to the factories at Manchester. The real question now for consideration was, how to rear the greatest number of persons in right principles, and inculcate a knowledge of religion, and the practice of virtue. The proposed system, however well it might sound in theory, afforded no security that in practice it would produce these results. He fully admitted, that in considering any system of education, the Church had no right to claim the superintendence over the instruction of the children of Dissenters. On the other hand, he claimed with equal firmness, that the Church, which of late years had made such meritorious exertions in the furtherance of education, should not be slighted or set aside from its own schools by any new project propounded to Parliament. The opponents of the proposed scheme, on the part of the Church, joined most heartily in the demand for intellectual light; they had no fear for the citadel of truth, unless the enemy, like the Gauls of old, could surprise it in the dark—

> " —— Arcemque tenebant
> Defensi tenebris et dono noctis opacæ."

But then they had a right to ask that the State should not hang out false lights—that it should not, like the coastmen of Cornwall, in former days, place its lights on shoals and quicksands—lights that, instead of guiding the wanderer to his haven, served only to bewilder and destroy him. If that principle for which he contended was departed from, he believed that no satisfaction would be afforded to the people; they would tell the promoters of the scheme, that they had confounded two things that were essentially distinct; they would tell them, that it was one thing to show all possible forbearance and kindly feeling to those who walked, as he believed, in error, and it was quite another thing to protect and propagate the error itself. It was one thing to tell the Roman Catholics—for they, after all, were at the bottom of the system now suggested—that perfect equality of civil rights should be granted them, in spite of their religious differences, and it was another thing to tell them, that those differences were now mere trifles, and ought not to stand in the way of an united State education. From very early years, he (Lord Mahon) had been a supporter of what had been termed Roman Catholic emancipation. He had made some sacrifices to that opinion. He differed from his family upon it, and rather than compromise his own views upon that subject, he preferred remaining out of Parliament for several years, nor did he enter it until 1830, the year after that question was carried. He claimed no merit for his conduct on that occasion, for he acted only as he was sure every other Member in his place would have acted. But still he was entitled to say, that he had shown himself as ready to support the claims of the Roman Catholics when he thought them just, as to stand firm against them when he thought them encroaching and iniquitous. And if the views on education which he had now set forth, seemed to hon. Gentlemen opposite as they had said, narrow-minded and illiberal, he had the satisfaction of remembering, that they did not seem so to Mr. Wilberforce, they did not seem so to Lord Somers, they did not seem so to Locke. Nay, more, if he wished to characterise the system now proposed in a few expressive words, he knew not where he could find any more apt or appropriate, than in the language of a greater man than any he had yet quoted, the prince of modern philosophers, and the pride of human wisdom—Lord Bacon. In one of his best essays, Lord Bacon said,

> "Contrariwise, certain Laodiceans and lukewarm persons think they may accommodate points of religion by middle ways, and taking part of both, and witty reconcilements, as if they would make an arbitrement between God and man. . . . . . There are also two false peaces or unities—the one when the peace is grounded but upon an implicit ignorance, for all colours will agree in the dark; the other when it is pieced up upon a direct admission of contraries in fundamental points. For truth and falsehood in such things are like the iron and clay in the toes of Nebuchadnezzar's image, they may cleave, but they will not incorporate."

On all these grounds which he had urged on the committee, he trusted that it would not consent to the system proposed by the noble Lord opposite. He trusted that the committee would weigh well the numerous petitions which had been laid on the Table of the House—petitions not coming from any particular place—not emanating from any single sect, but speaking the almost universal opinions of the people; he trusted, that hon. Members on coming to a vote to-night, would not overlook the fact that the proposed scheme had so far been forced forward by a small majority, against the wishes of England; he trusted, that the voice of the people, which had been heard on this subject with no common force, would not pass unheeded, and that the Representatives would not tamely admit that which the constituencies had indignantly rejected, but would show, that the views of the majority of the House were in conformity with those of the majority of the people.

Mr. *Baines* said, that as he had sat for two successive Sessions of Parliament upon School Committees, to inquire into the practicability of establishing a system of national education, and as he had devoted much time to the consideration of the subject of education, he found it to be impossible for him to consent to give a silent vote on the question; but he should not trespass at any great length on the attention of the House. The noble Lord, in the observations which he had addressed to the House, had confounded two things essentially different; he supposed that the plan of education which the Government had proposed in the Minute of Council of the date of April 10th, was identical with the plan proposed on the 3rd of June. He thought them to be very different, and he was ready to admit that the plan of the 10th of April was open to considerable objection. He felt the force of these objections, and he had stated them both in public and private. That plan, however, had been altered, to obviate the objections that had been urged against it. The noble Lord seemed to think that the present plan was open to the same objections as the former one; but he (Mr. Baines) denied this to be the case. He would ask whether it was not a part of the original plan that a chaplain of the Establishment should be appointed to the normal school, and whether a second minister of the Dissenting denomination was not also to attend to give instruction, and in addition to this, that they might have the adherence of a clergyman of the Roman Catholic persuasion to the school, who must be introduced as a part of the system for the purpose of carrying this plan into effect? In the modified plan there was nothing of this kind introduced. In the first plan such an arrangement was proposed as to allow two or even three versions of the Scriptures to be used in the schools; but there was nothing of the kind to be allowed in the present plan. It might be said, however, that Ministers had reserved to themselves the power of reviving any portion of their former plan; but had not the country and the House also reserved to themselves the power of putting an end to it if such an attempt were made? The Government said, that in deference to public opinion they would alter the plan: was it not clear that the Government was responsible to public opinion if they attempted to carry the plan into effect as originally proposed by any indirect mode? Hon. Gentlemen opposite asserted, that Ministers would revive the plan; but were there no means by which the people could raise their voice to prevent them doing so, even if that House should not be sitting? He would, however, venture to say, that any Minister of the Crown who should dare to carry, when Parliament was prorogued, any obnoxious scheme into effect, in the face of such opposition to public opinion, would soon be brought to a sense of the danger that he incurred, and of the hazard that he ran. The parts of the former plan which they had retained he thought were most desirable, namely, that there should not be a grant of public money for any school without the Government having the right of inspection, and also that no money should be laid out without due responsibility being incurred somewhere for its proper employment. This part of the plan he fully approved of, and he thought that it placed any grant of money for education on a proper footing. He had heard with great pain the noble Lord the Member for North Lancashire express some doubts as to the integrity and honour of those to whom the expenditure of this money would be intrusted. The noble Lord had long acted with those Gentlemen, and it was with great astonishment that he had heard such imputations thrown out so unnecessarily and so unjustifiably. He recollected the charges that were made against the noble Lord when he introduced his plan of education into Ireland, which the House was told would be neither more nor less than an attempt to restore Popery in that country, and the first step to render it the established religion of the empire. He recollected how the noble Lord had met these accusations, and he hoped that the present Ministers would manifest the same courage as was then exhibited by the noble Lord, and would persist in their own scheme of education. It had been stated that the adoption of this system would endanger the religious establishment. Now he thought that the Dissenters did complain, that all the members of the Committee of the Privy Council for Education were members of the Established Church, and that they had no control whatever there; how, then, the construction of this committee could be dangerous to the Church he confessed that he could not understand. He thought that it would have been objectionable to Dissenters if the ministers of the Establishment had acted as members of this committee, for it would have led to complaints and dissatisfaction whenever the applications of Dissenters or of the ministers of their respective denominations, placed before the Board had been refused. With regard to the petitions that had been presented, and more particularly the petitions from the Wesleyan Methodists, most of them were directed against the original plan, and not to the one that was now before Parliament; and if the parties were made acquainted with the alterations that had been made, they would find that the grounds of most of their objections had been removed. Most of these petitions against the plan that had been abandoned emanated from the Wesleyan Methodists; and if there were very large bodies of Methodists who had petitioned on the subject, there were also large numbers of Dissenters who had refrained from petitioning. Since the plan had been modified, he was satisfied that the reasons of most of their objections had ceased to exist, and he sincerely hoped that a strong feeling had grown up in favour of the plan promulgated by Ministers. A petition had been presented in favour of the proposed scheme from the representatives of the Independents, the Presbyterians, and the Baptists in the metropolis. This petition expressed a decided approbation of the plan proposed by her Majesty's Ministers. The petitioners, after stating their regret at the destitution both of secular and religious instruction, that prevailed amongst the poorer classes of the community, said, that they were satisfied that no voluntary association could successfully grapple with the evil. After alluding and replying in very forcible language to the unjustifiable claim put forth by the clergy to the exclusive control over the education of the poorer classes, the petitioners said:—"That your petitioners feel the deepest gratitude for the expression of her Majesty's most gracious wish, that the youth of this kingdom should be religiously brought up, and the rights of conscience should be respected; whilst they pray the House to sanction the grants of public money, under a proper system of lay inspection and the responsibility of the committee of Privy Council." Such was the opinion of the great body of the most influential of the Protestant Dissenters in this country, namely, the representatives or delegates of the Dissenters in London, and he believed, that the Dissenters in the country generally concurred in the same opinion. He felt convinced, that the change which had been made, had rendered the plan acceptable to the great body of the people, and thought, that it was a matter of essential importance, that the House should not oppose it. The present Government was the first to introduce any system of national education into this country, and he thought that they deserved great credit for having resisted the prejudices that prevailed on this subject, and above all the religious prejudices, which were often the strongest. The Government had now got rid of the reproach of wishing to keep the people in ignorance. He did not know a more important duty on the part of the Government, than to instruct the people. From the sincerest desire for the promotion of education, and from the anxious wish that it should not be in any way sectarian, but that all classes should have free access to useful knowledge, he hoped the House would sanction the plan of her Majesty's Ministers—with these feelings, and being impressed with the conviction, that this plan was as little open to objection as any that could be devised, he should give the proposition his support. The outcry that had been raised against it was nothing more than another attempt to raise the cry of no popery, which he was happy to find had been put an end to, both in and out of Parliament. They had been told that toleration had gone far enough, and that the time had come when they must make a stand; he hoped that the stand would not be made against the general diffusion of education. He trusted, that the House would not oppose the first scheme of national education that had been proposed by a government. He should give it every support in his power, and should regard with indulgence any faults which might be found to have crept into the Government scheme.

Lord *Teignmouth* had listened with the utmost astonishment to the tone which had been adopted by some hon. Gentlemen opposite, considering the extraordinary concordance of opinion which prevailed as to the absolute necessity of making religious instruction form an essential portion of any system of education provided by the State. He was almost led to believe, that the noble Lord opposite had gone the length of propounding in that House, what he would not have attempted to assert anywhere else—the doctrine of a general Christianity, abstracted from distinct and peculiar tenets. He must for one, protest against the very pernicious powers in this respect, which it was proposed to intrust to the committee of Privy Council. He had listened with attention to the deprecatory speech of the hon. Member who had just sat down, but it had not in the smallest degree altered his conviction that the present Government, from the moment when it first came into power, had evinced a continued and uninterrupted hostility to the Church of England, which would, no doubt, have broken out into overt acts in other instances besides that of the appropriation clause, but for the constant, vigilant, and combined exertions of their opponents. The hon. Member for Leeds had spoken of certain bodies of Dissenters, as contrasted with the Wesleyans; but he would beg to remind the hon. Member, that the Wesleyans were as numerous as the whole of the rest of the Dissenters, with whom they might be considered, in Parliamentary parlance, to have "paired off" on this question. He had been quite astonished on a former evening to hear the hon. Gentleman the Member for Liskeard arguing in defence of a system of exclusive secular education. It was utterly monstrous to think of such a doctrine being put forward in an enlightened age. The instance to which that hon. Gentleman had referred, of individuals bred to the law and other professions, not having religious instruction mixed up with their professional education, was not at all a case in point, inasmuch as such persons were of course supposed to have been grounded in religion before they devoted themselves to professional pursuits. To him it appeared, that the schools of the National Society had a much higher claim on the consideration of the State, than the schools connected with the British and Foreign Society. As a conscientious believer in the truth of the doctrines of the Church of England, he must object to any system of education in which they were not enforced; and, on the same ground, he must also hold, that every religious system which was not conformable to them must be more or less false. If they looked at the question in a statistical point of view, they would find, that the Church of England was six times more numerous than all the Dissenters in this country, including the Wesleyan Methodists, and twelve times more numerous, excluding the Wesleyans. It was well known to every clergyman, that if an approved system of management were introduced into the schools of the national society, the Dissenters generally would be very willing to send their children to those schools; and Mr. Tuppa, the Secretary to the central Board of Education, had declared his opinion, that a very large proportion of the Dissenting population had no religious scruples to prevent them from sending their children to schools where the religious instruction was conformable to the rites of the Church of England. He (Lord Teignmouth) appealed to hon. Members as men of sense and candour whether considering these facts, he was not led to this conclusion—that he could not conscientiously give his support to any religious instruction but that of the Church of England. God forbid, that he for one should declare, the scriptural education which was communicated by the British and Foreign School Society, under proper inspection, to be hostile to the Church of England. He had been for 20 years engaged in promoting the work of scriptural education, and, in connexion with the Hibernian Society in Ireland, had been more or less instrumental in the distribution of copies of the Scriptures amongst no fewer than 38,000 Roman Catholics. But he would not hesitate to state his conviction that the British and Foreign School Society did not do that which it should do for the due distribution of its grants. He considered, that the very worst feature of the plan, which was said to have been abandoned by the Government, was retained—he alluded to that portion of it which gave grants to the clergymen of different religious persuasions; and in truth he did not perceive, that there was anything to prevent the Government from reverting to their old scheme, which he treated as a constant quantity. He saw no security against the introduction of Socinian and Unitarian versions of the Scriptures into these schools. When her Majesty's Government talked of introducing a system of general religious instruction into these schools, he appealed to hon. Members, as men of sense and discretion, whether, that would not naturally lead to a system of universal sectarianism? This was no metaphysical abstraction. When they should have stripped it of the flattering colours in which their fancy might have invested it, they would find it a crawling, obsequious, serpent-like, and by no means unvenomed thing, varying its hues like the chameleon, now presenting a most pious and evangelical aspect, now assuming the appearance of dissent, now strictly orthodox, and again glittering in all the splendour of a more gorgeous ritual. It was his conviction, that the Government must back out of this scheme just as upon most former occasions. The conclusion of the second minute of Council stated, that "a portion of the grant should be applied to the purposes of inspection, and of ascertaining completely the state of education in England and Wales." They would find it vain to attempt to struggle with the difficulties which they would need in attempting to carry this scheme into effect; and what would they then do? Why, abandon the scheme, and expend all the money advanced by the country for its furtherance in a new commission of inquiry. That committee would probably agree to their report in the year 1842. He would put it to the noble Lord (for whom he had the utmost respect) considering the state of the country, the intensely earnest feeling of the Church of England, and the growing impression in all parts of the country, that something must be done for education, and he would ask him why he did not come forward and place himself at the head of the Established Church, and, with God's blessing, save the country in one of the most difficult and perilous crises it was ever placed in. That was the proper position in which a Minister of the Crown should be; whereas it was a false position in which the noble Lord was placed. He (Lord Teignmouth) had heard of an officer in the Catholic Church called *L'Avocato del Diavolo;* he trusted the noble Lord would not choose that position.

Mr. *Langdale* said the noble Lord opposite belonged to that section who were most consistent in the conduct they were pursuing. He could understand the consistency of the noble Lord when he said, to the Established Church, alone, should the education of the people of England be consigned. But he did not so well understand the ground taken by the noble Lord, the Member for North Lancashire. If he understood it it was this—that he was willing to give education to all the people of England except the English Roman Catholics. He acknowledged the number of petitions on the Table — he admitted there was a strong feeling on the subject throughout the country, but considering the means adopted for raising that cry, it was wonderful that the expression of feeling had not been more strong. But had there been any one instance in which a public meeting had been called to give the sanction of the people to the question? There was not a single instance; for where meetings had been called the supporters of the Government plan had been excluded from them. He wished the House to consider the tone of these petitions. Did the noble Lord, the Member for North Lancashire, adopt the tone of them? There was no term so abusive—there was no imputation so infamous that it had not been used in these petitions against a particular class of religionists. If the noble Lord did concur in these petitions, he ought to adopt the tone, and concur in the plans brought forward in another place, and propose the repeal of Catholic Emancipation altogether. If they excluded any particular class, it was a breach of toleration—if they excluded the Roman Catholics from showing in a public grant, they made them pay a penalty for their religion. A great deal had been said about the State conscience. Those who talked in this manner in order to carry out their consistency, should tolerate only the National School Society. To be consistent, and support the Established Church on the State conscience, they ought to refuse all grants to any class not educated in the Established religion. To what class was it that they were now refusing a participation in the grant raised from the public taxes, to which all contributed? Was there nothing due in satisfaction to the Roman Catholics of this country, from the course adopted towards them formerly? During the time of severe persecution, they had raised funds for the education of their children, for the support of religion; they had invested large sums in the funds of Foreign States, under the faith of a solemn treaty. That fund was taken possession of under the plea of an almost obsolete enactment, and applied for the purposes of the State. He did not wish to use irritating language, but probably the application of that sum was not to any much more holy purposes than those superstitious usages under which the money was seized upon. It had been said, that funds ought not to be granted for the purposes of education in a religion which was wrong. If this was carried throughout, the parties using such language would be consistent with themselves. But, in the East, they made the same grants which were now asked for here; in the Western colonies and the penal settlements, they were doing the same; and they would hardly venture to refuse to the millions of Ireland that which they said it was not consistent with their conscience to grant to the poor, the helpless, and destitute, in this country.

Mr. *Litton* was anxious to raise his voice against a system of education which, in Ireland, had totally failed. No man who had a regard for the established religion of the country, who valued it as the shield of our religious and civil liberties, could sustain the proposition of the noble Lord, the effect, if not the object of which, was to subvert the Protestant religion. He wished that hon. Members should distinctly understand, that no part of the plan contained in the minute of the 13th of April had been abandoned by the Government. The first resolution of the committee was, that education was to be based on religion, which was to be mingled with every part of education; and, in a subsequent part of the resolution, what we called "general education" was to be an education in religion of all kinds, and versions of different Bibles—the Socinian Bible, and the Roman Catholic Bible were to be introduced, and pastors of all religions were to have the direction of education. The Ministers had told the House that their first plan was postponed. But what did they mean by the postponement of the plan? They meant that they postponed it until they could find a convenient moment for bringing it forward again—until they happened to see the Protestants slumbering at their posts. It could not be doubted that, as soon as the Protestants were lulled into a state of quiescence, as soon as they were thrown off their guard, the original plan would be again brought forward. Now, what was it that was reserved by the terms of the minutes of the 3rd of June? Why, that the committee of the Privy Council should have power to make such improvements as they might see fit. This was neither more nor less than enabling them to make such changes, and grant such sums of money, as they might think proper. They were then to be the judges of their own improvements, and no other parties were to be at liberty to say whether the changes they might propose were good or not; but he would never consent to invest any four men with irresponsible power. No one could read the resolutions of the noble Lord without perceiving that it was the fixed intention of the Government to carry out their original project on the first favourable opportunity, and he would put it to hon. Members to say, whether any religious man in the country could agree to such a plan as that which it was evidently the design of the Government, at some time or other, to carry into execution? Some hon. Members of that House had advocated a system of national education without religion; but, happily, their sentiments found no response. This, then, was admitting that there should be some religion in any system of education which they might adopt; and, if he were right, the question arose, to whom should they delegate the power of prescribing the form of the religion to be taught in the national schools? He thought it should only be delegated to the Established Church, because of its connexion with the State. What he complained of was, that the plan now proposed went to allow all versions whatsoever of the Scriptures to be read in the schools, and that such a system could have no other effect than that of involving the juvenile mind in those doubts and difficulties which tended only to infidelity. This was his first objection; and his next was, that any attempt to bring children of different persuasions together for the purpose of education would only lead to discord, strife, and heart-burnings. Was it not likely that the ministers of each sect would endeavour to inculcate in the minds of the youth under their charge their own peculiar views with regard to religion; and, if such would be the case, how could any other result be expected from it but strife and vexation? This was not the way in which the youth of this country should be educated, neither was it calculated to give them that respect for the constitution which was necessary to render them good subjects. Educated in this way, must they not be led to think that exclusion from even the throne on account of religion was unjust? He was opposed to the distinction which had been made between general and special education, and he thought that a sytem founded on cold morality, and that was what he understood by general education, would only create doubt and difficulty in the young mind. The noble Lord said, he had his own opinions respecting the Roman Catholic religion—the Socinian faith—but, if he thought them wrong, why had he not the candour to say so? If the noble Lord considered the opinions of these sects erroneous, would he send his own infant son to a school in which such beliefs were taught? And if he would not, how could he justify adopting a principle in reference to the children of others, which he would not adopt in his own case? He (Mr. Litton) did think that the time was come when the Members of the Established Church must make a stand. He did fear the admission of the Roman Catholic priesthood into Protestant schools. Their only view was the ascendency of their own Church, and the principle of proselyting was the leading and guiding spirit of the Roman Catholic religion. There was another body whom he also feared, and they were her Majesty's present Government. The noble Lord, the Secretary of State for the Home Department, never omitted an opportunity of offering indignity to the Established Church. He was continually derogating from the usefulness and credit which belonged to the clergy of that Church, by charging them with neglect of duty; and, from the tenour of the whole conduct of the noble Lord, it must be manifest to every one that the noble Lord was no friend

—that he was, in fact,—the enemy—of the Church of which he professed to be a member. Every word he had said, and every thing he had done, tended to lower the Established Church in the estimation of the country, and lessen its power. He implored the people of England not to be mistaken or deceived as to the intentions of the Government. They would find that, if the proposition of June were adopted, that of April would not long be postponed; and therefore it was, that he said, let them not accept the grant on any such conditions as those on which it was proposed to be given. He trusted they would not suffer their faith to be tampered with or tainted; and why was it that, in Ireland, Protestant children were not permitted by their parents to go to the national schools, but because they feared their religious principles would be perverted. He hoped that the power now sought for would not be given to the Government, and he did so in the full belief that it would be used for the subversion of the established religion of the country.

Mr. *M. J. O'Connell* said, the opponents of the vote which had been proposed seemed to lay great stress on one argument. They said that although the plan first proposed by Government was abandoned for the present, yet whenever a lull in the public feeling should take place the plan would be revived. But could not the plan be revived just as well whether the present grant was agreed to or not? Would not the Privy Council have just the same power? But, in fact, the opposition to the grant was, as has been admitted by several speakers, neither more nor less than an opposition to any scheme of any national education which was not placed under the control of the Established Church. The objection, however, applied with quite as much force to the grant of last year, which had been divided between the National Society and the British and Foreign Society. The real cause of the opposition was, that a party cry had been unfortunately raised in this country —a party cry of the worst character; for of all party animosities the worst was that in which, to the bitterness of political strife, there was added the threefold bitterness of religious bigotry. The Gentlemen opposite had taken advantage of that cry. But what was the position in which they had placed themselves? They had before coincided in the propriety of a grant to be divided between two different and discordant societies. One was purely an Established Church Society. The other admitted every variety of Dissenters, and he believed did not even exclude Unitarians. The only class excluded from the British and Foreign Schools were the Roman Catholics, who were prevented by the rules of their Church from reading any version of the Scriptures but their own. What, then, was the position in which the opponents of the present grant placed themselves? They said, "We will allow the benefits of education to every denomination of Christians except the Roman Catholics." Was this the meaning of conscience? Was this zeal for religion? In giving education to many varieties of Christians, they necessarily gave encouragement to many whose opinions they deemed erroneous. Did not this give an additional sting to the degradation inflicted on the only class that was excluded? Did it not tend to excite the *odium theologicum* in its worst and bitterest form? Hon. Gentlemen opposite ought to recollect that in the manufacturing towns of this country, and in many of the northern districts, there were large classes of their fellow-subjects professing a religion with which they might disagree (and whether in doing so they were right or wrong he would not argue), but a religion whose regulations prevented them from availing themselves of any of the means now provided by the State for the education of the people. Were the Gentlemen opposite, he would ask, prepared to refuse to this large body of the population the means of removing the ignorance which was asserted to be the chief cause of their continuing in their present religious belief; or would they prefer continuing that ignorance which was the prolific source of crime and every physical and moral mischief? If they truly believed their own doctrines why should they dread the visits of a proselyting priest? Why should they not rather eagerly grasp at the offer to communicate and diffuse knowledge which they must expect to further their own principles, if they believed them to be true? He trusted that her Majesty's Ministers would go on with their plan, however imperfect it might be, and they would find that the virulence and the excitement, the stimulating topics now so rife, and the bigotry that was now so rampant, would be but short-lived, while the gratitude which they should earn for themselves would be perpetual; and their consolation would be in that success, and he said it without profaneness, that holy success, which secured to the poor and the humble all the blessings of a moral and religious education.

Mr. *Cresswell* was desirous of stating in a few words the one or two reasons which should induce him to withhold his consent from the vote now called for; and inasmuch as it had been observed on both sides of the House that they were departing from the question really before them, he should state what the true question was which they had to consider. It appeared that her Majesty, by the advice of her Ministers, had constituted a committee to superintend the application of the funds to be voted by Parliament for the purpose of National education; and it had been said that the appointment of that committee so far from being desirable, could lead to no good; that instead of being an advantage it would be an evil; and here it was, that the policy or impolicy of the measure had been brought into direct discussion. By a majority of five it was voted that there was nothing so objectionable in the measure as to call for an address to the Crown praying that the Order in Council might be rescinded; but when they saw the majority so small, and the opposition so great, he did think that it became them to ascertain what the powers were which were to be given to the committee so constituted and so sanctioned. It was not merely the grant, but the use to which it might be applied which they were called upon to discuss, and it was for the House to say whether they were prepared, without the sanction of the House of Lords, to adopt such a course. It was said by an hon. Member opposite that this grant was withheld because of its effects, but it was obvious that without the grant there could be no effects. The committee might be appointed to determine the regulations, but if they had no money either to pay inspectors or to bribe schools to submit to them, what would become of their proceedings? The noble Lord opposite was a Member of the Central Board of Education, and what were the sentiments of a party connected with that Board? Why, he said, (in a pamphlet which had been published,) "Let the central board have power to build schools, let them have power to support good schools already established, and the way would be gradually paved for a more comprehensive system, and bringing charity schools under the control and direction of the board." Now, this was a power which he would never consent to give to the Board, and for the best possible reason—that it would enable them by degrees to introduce any system of education they thought fit. Entirely concurring with all that had been said as to the magnitude of the interests involved in this question, as to the importance of national education to all classes of the community, and as to its effects on all their prospects here, and their hopes hereafter, he would not consent that that House should take upon itself to confer on any committee powers so extensive without the sanction of the other branch of the Legislature. He never would give his consent to a proposition so unconstitutional as that of wresting from the House of Peers their lawful interference, and that the House of Commons should take upon itself to legislate, by a species of sleight-of-hand on a subject of this kind. Was this novel, or was it his suggestion? To show that it was not, he had only to quote the words of the pamphlet to which he had already referred, and in which it was said, that

> "All hopes of amendment were to be distrusted, owing to the balance of parties in the country, and perhaps it would be years before any Bill for establishing a system of national education would pass the House of Lords; but then a Bill for national education was not a *sine qua non*, as her Majesty's Ministers had the power in their own hands, if assisted by a vote of the House of Commons, of extending a new scheme, and reforming those that existed."

He trusted that these were not the views of the noble Lord. He had now stated his first objection, and his second was, that he would not consent to delegate powers to a committee of the Privy Council, which would be in effect surrendering up his own judgment. If the object of the Government was the establishment of a permanent system, why had they not stated their scheme candidly to the House, in order that, if they approved of it, they might adopt it, or, if they disapproved of it, that they might at all events record their votes against it. He could not be said to use an unfair or an illogical argument, when he took the statement of those who were the supporters of the measure, and showed to the House what they thought would be the consequences that would arise from its adoption. He did not give this statement as the opinion of the noble Lord; he merely gave it as an evidence of the opinion of his supporters; and upon the ground that the measure would have the effect stated by its supporters, he should give it his strenuous opposition. Upon what grounds did the noble Lord ask their support of the proposed scheme? Was it that the opinion of the country was so strongly expressed in its favour, that there could be no doubt of the propriety of supporting it, and that it should be taken for granted it would have the assent of the House of Lords? Was it because it had been carried by the large majority of five, they should take that as an indication of how popular a scheme it was with the country generally, and that it therefore should of necessity have the acquiescence of the Lords? Before he should advert to the importance of that large majority, he would ask them to recollect how it had been composed; and it was, he would beg to remind them, a majority not upon an open question, but upon a strictly Ministerial question — upon a very close question. But did the noble Lord claim their votes upon the ground of the numbers of that majority, as affording an evidence of how popular the measure was, as an evidence of the general confidence of the country? Could they come before the House, and say, we have the support of the country in this scheme, — we have the confidence of the people—there is but a miserable minority, so small that it is scarcely discernible, and therefore we are justified in demanding your support? Was it under those circumstances they asked for support? If it were, he, for one, begged respectfully to say, that his confidence in her Majesty's Ministers was not strong to induce him to forego his opposition to that measure. He wished that the House could have more definite information as to the scheme which was to be adopted. Was it the former scheme, or a new one? How could any one be expected to give his support to a scheme so doubtful and indefinite? Were they to believe that the noble Lord had entirely abandoned his former scheme, and that there was no idea of again adopting it? Or was that scheme merely postponed, to be virtually carried into effect if that grant should be obtained? He did not deny, that the noble Lord could not be blamed for bringing it into operation if he thought it the best scheme which could be adopted, and therefore it was why the House should hesitate before it voted a grant that might be applied by the noble Lord to the purpose of bringing the original scheme again into operation, which would be to be expected if, as he had remarked, the noble Lord held it to be the best scheme. If he thought that plan the most desirable, was he not bound, as a minister of the Crown, to bring it into operation, if they gave him the power to do so by that grant? With respect to another topic, namely, the petitions against the Government scheme of education, it had been said that they were mostly against the former plan, which had been abandoned, and not against the latter. Now, the facts were, that the former plan had been abandoned so quickly, that all the persons who petitioned against it had not had time to petition also against the latter; but if the latter system proposed was pleasing to them, was it not to be supposed that they would state so to the House? Were they not bound, as honest men, to do so? Therefore, he would say, that their silence as to the second plan was an indication of continued opposition upon the part of those who had petitioned against the former scheme. The noble Lord had abandoned the former plan, and he now came before the House to say, that as they had refused to let him proceed with his former plan, he would now ask them to let him do as he pleased. But if, after the House had given its assent to the grant, the committee would give support to any schools it pleased (besides the two descriptions mentioned)—if a person established a school upon the former plan, and applied for a share of the grant in support of it, how could they refuse him? He trusted he would not be reckoned flippant in a comparison which struck him. The licensed victuallers complained generally of the beershops, and principally in consequence of the permission to consume beer on the premises. He had suggested to a person who had urged that objection, that it might be removed by depriving them of the privilege of permitting beer to be consumed on the premises, but the person to whom he had made that suggestion answered him by saying, that in such a case the evil would still continue, for the owner of a beershop would take the next or some adjacent house, and allow the beer to be consumed there. In the same way would this grant, by affording support to schools upon the former plan, enable the noble Lord practically to support that which had been abandoned. It had been said, a few nights ago by the hon. Member for Lambeth, that the religious liberty of the people was concerned in that question. He was not opposed to religious freedom, and he felt bound to say, that he did not see how religious liberty was affected by that question. Those who opposed that plan of education did not propose to prevent religious freedom; they did not seek to prevent any man from worshipping God according to the dictates of his own conscience, or to interfere with the religious feelings of any person. He did not see how religious liberty could be said to be concerned in the question, unless they had the same opinion of religious freedom which another hon. Member had of freedom of education, who had said that freedom of education consisted in every man having a right to receive his education at the expense of the Government. If they went so far as that with religious education, perhaps it might be said that religious freedom was concerned. If they maintained that, every man had a right to be taught his own peculiar religious creed in a temple erected at the expense of the Government; but, unless they went that length, he could not see what effect it had upon religious liberty. It had been said by another hon. Member, that every man had a right to his own creed, but that he had, at the same time, no right to interfere with his neighbour's religious belief, as he had reserved the privilege of judging for himself upon such a subject. If by that it was meant, that no man had a right to reproach, or annoy, or inflict any penalty upon his neighbour for his religious opinions, he fully concurred with the sentiment, but he denied that a man had no right to form an opinion as to the correctness of the religious doctrines of another. If he said, no man had a right to decide whether the creed of another was right or wrong. he could not agree in such a principle. Why, how could a person believe his own creed to be right, if he did not believe those which differed from it to be in error? If a man were to choose between two creeds, how could he select one in preference, if he did not think the other were wrong? But at the same time that he thought such a privilege ought to be allowed, he did not mean to deny to every man the right to select and entertain his own belief; he would say, let every man enjoy his own creed. Was it to be inferred, however, that, because they did not interfere with a man in his religious belief, they were to go further, and assist him to propagate his error? It was because the House was called upon to do so—to assist in propagating error—that he raised his voice against that scheme. If they wished they might vote for such a plan; they might shock his feelings by doing so; but he should have satisfied his own conscience in protesting and voting against it. He did not understand the argument which had been used by hon. Members of the other side—namely, that it was as unfair to ask Roman Catholics and Dissenters to support by their contributions, a creed from which they differed. If they granted funds for the maintenance of the Roman Catholic priesthood, they would not violate his (Mr. Creswell's) conscience, whilst he vindicated it by voting against that application, and exactly the same argument applied to Roman Catholics and Dissenters. They all knew that the respected body, the Society of Friends, refused to give their assistance or support to war, and, upon their principles, would they not violate the conscience of every Quaker in the empire, by obliging him to support the taxes that enabled them to proceed with the war? It was a most nonsensical mode of argument to say, that the consciences of Roman Catholics and Dissenters were done violence to, by giving a portion of the money of the state to the support of another creed. It had been said, that the experiment of teaching children of different religious persuasions in common, had been already tried, and found successful. Now, he would put the House in possession of the facts of the case; and they would then be enabled to judge how far the experiments which had been tried had proved successful. It was said there was a neutral ground in religion, upon which children of all creeds might meet, and this they would ascertain from the result of the experiment. About three years ago, the corporation of Liverpool devoted part of their funds to the purposes of that experiment, and they accordingly established two schools, in which children of all sects were received, and in which ministers of each creed were allowed to attend to instruct the children in their several doctrines, at particular times. The hon. Gentleman at the other side had alluded to the success of the scheme, but he had very much exaggerated the results of the experiment. At that period there was a strong Protestant feeling in Liverpool, and the consequence was, that the greater part of the Protestants, whose children had previously been receiving instruction at the schools, withdrew them when the new arrangement was brought into operation. Those who were opposed to the system of mixed religious instruction, had been accused of a disinclination to afford instruction: but how was that proved?

By their subscribing a sum of 10,000*l.* for the purpose of affording education to those who were not inclined to avail themselves of the schools which had been established by the corporation of Liverpool. In the corporation schools, in the first instance, extracts from the Bible were given to the children, and not the whole Bible; of course he meant during the hours in which they were under the master of the school. The cry, however, against this part of the plan became so strong, that they were obliged to abandon it, and the whole Bible was placed in the hands of the children, with the exception of the children of Roman Catholics, who still had the extracts. But how had the special religious education gone on? In the year 1837 there were 320 Roman Catholic children in these schools, and no Roman Catholic had ever attended, nor had any Dissenting minister. The only person who ever attended was a minister of the Church of England. Here, then, was an end to the system of combined religious education. It was possible to have a combined secular education, but not an united religious system. He found, by a letter which he had this day received from Liverpool, that there were in the charity schools of Liverpool, the great bulk of which were daily schools, 8,957 children belonging to the Church of England, and 3,098 children of different religious persuasions, with 304 children of the Scottish church, making in all a total of 12,060 children. Of these, however, the Roman Catholic children were educated principally at one school, St. Patrick's, and the remainder were dispersed in various different schools. Now how any body could say that the combined system of education had been introduced in Liverpool with the most perfect success, he could not imagine. There was no neutral ground in religion. A clergyman, who felt much interest in the success of the system tried by the Corporation at Liverpool, offered his services upon the condition that the children should begin the day with some form of divine worship in which all might join. But this plan failed. Objection was started after objection, and at last it was proposed that they should repeat the Lord's Prayer. But that also was refused. The Roman Catholic priest refused to allow the Roman Catholic children to join in repeating that prayer, although it was given to them by an authority whom all reverenced. Where, then, would they find neutral ground on which might be built an altar at which all could worship? Combined religious education was, in his opinion, perfectly hopeless. Even if it were possible to induce parties professing different religious creeds to study together without striving for ascendancy or running the risk of having their religious notions unsettled, he should be unwilling to assent to it, for the more attached he was to his own creed the more reluctant he should be to have it assailed.

Mr. *V. Smith* said, he should endeavour to confine the few observations he intended to make entirely to the subject now under discussion, and not follow the example of the hon. and learned Gentleman who had just sat down, by entering into arguments, which as he thought, were more applicable to the former debate than to the present. The first argument of the hon. and learned Member for Liverpool was, that on this occasion they were interfering with the other branch of the Legislature, but he seemed to have utterly forgotten that the privilege of voting the public money particularly belonged to that House. The hon. and learned Gentleman had advanced it as something novel in the history of the country, that they were now proposing a vote for money for the purpose of establishing a principle independent of the other branch of the Legislature. But if the hon. and learned Gentleman had referred to the acts of the last twelve years, would he not have found that the same thing had been done year after year? Would the noble Lord the Member for North Lancashire have broached that same principle on which the hon. and learned Gentleman had so long dwelt? He would ask whether the system of Irish education was not established by a vote of that House? What, too, did the hon. and learned Member say to colonial education, to the education of the negroes, which was on a most comprehensive plan? And yet he talked of the House giving away this principle, or rather receding from it, because it was not done with the united voice of the other branch of the Legislature. There was one other argument of the hon. and learned Member to which he would advert, though he considered it more applicable to the previous discussion, and it was on the subject of the Order of Privy Council. He knew it was the determination of hon. Gentlemen opposite to fight this ground inch by inch; but they must allow that one inch had been already gained by their opponents, because they had got the assent of the House of Commons to that Order of the

Privy Council. If hon. Gentlemen opposite thought not, let them again bring forward the question, and those on his side of the House would again defend it. He would admit the scantiness of the majority —being only five — [*Laughter.*] Hon. Gentlemen might interrupt him by uncourteous laughter, but he was only asserting that which the House had done. He for one, on his side of the House, should be glad that the debate should be taken again and again. On his side, they were unanimous in the assertion of the principle of religious liberty which they had adopted, and he would ask his hon. Friends behind him, who said that there was not a very great difference between the present Administration, and that which might be composed of hon. Gentlemen opposite, whether this debate had not convinced them that there was a most important difference between the two? The hon. and learned Member for Liverpool had said he had no confidence in the administration, and he had no reason to expect that the hon. and learned Member should have any confidence; but the hon. and learned Gentleman should recollect, that on this occasion the Government, who proposed the grant, were responsible for the manner in which that grant was to be applied; and when hon. Gentlemen talked of the abandonment by the Government of their plan, and attempted to put them in a dilemma by using that argument against them, he believed he was justified in saying, that they had only abandoned that plan because it appeared to be unpopular. It was abandoned for the present because the Government had found it to be unpopular. They had not, however, abandoned the defence of that plan, but the plan itself; and they were prepared to defend it, believing it to be a good plan, knowing that it might be advantageously carried into effect if the country were in its favour. The first plan was abandoned, and when hon. Gentlemen talked of its now being carried on with the money now to be voted, he would say they were mistaken, for it was impossible. The present proposition was for 30,000*l.* to carry on the plan of the 3rd June now before the House, and if the Government devoted it to the former plan they would be held responsible for it to Parliament. He would not enter into a discussion of the plan of the 3rd of June now, but would call the attention of the House to the grants of monies that had been devoted to the purposes of education. In the year 1833, Lord Althorp first proposed a vote of money to be given between the British and Foreign School Society, and the National School Society; but he (Mr. V. Smith) would deny that that could be considered as "a scheme;" it was only a temporary expedient to allay the great thirst that then existed for education, whilst the Government and Parliament had an opportunity of examining the question. Was there any finality in that proposal? Why, the very year afterwards, at the suggestion of Mr. Roebuck and the hon. Member for Yorkshire, a committee was appointed to inquire into a system of national education, and he served on that committee. In the year 1835, a similar committee was appointed, and the result of it was a report, containing a great mass of information, which many hon. Members in that House would do well to read. In 1838, another committee was appointed, but they only reported in favour of the extension of education; but he would ask hon. Gentlemen whether they meant to call the present plan a scheme for national education? Was 30,000*l.* the sum to carry out a scheme of national education? Why, on the most trifling subjects of their estimates, the House would vote a larger sum. Let them look at their convict votes. Where public money was voted, the public had a right to see how it was distributed; and the vote now proposed was to be given to the Secretaries of the British and Foreign School Society, and of the National School Society; but was this to be called a scheme? A splendid scheme it was, forsooth! Why, he should be one of the first to object to it, if it were to be permanent; for, by the principle of the British and Foreign Schools, Unitarians and Roman Catholics were excluded. He also objected to the National Schools, and it was for the very reason for which the noble Lord, the Member for Marylebone, had praised them. The noble Lord had said, that it was their boast that Dissenters attended them in many parts of England; but, on the contrary, he (Mr. *V. Smith*) would say this was a great mischief. He would entreat the House, and it was from objections on religious grounds that he did so, in the education of children to avoid confusion of religions, but he was wholly persuaded of this, that greater confusion would arise from educating Dissenters in the national schools, than from any schools of the Government. What was the consequence of it on the minds of children of Dissenters?

It was, that the master and pastor were at variance, the children hearing at school different doctrines from those which they were taught at home. If, indeed, he were not tempted to withdraw any grants for such a system, at least care should be taken to have a vigilant inspection of the schools, to see how they were conducted. The hon. and learned Member for Liverpool had said, that the clergy of the Established Church had been the sole educators of the people; but if the hon. and learned Member had asked him what was religious liberty, he (Mr. *V. Smith*) should say, that it did not consist in such a system. The hon. and learned Member had also said, he would not consent to the promotion of erroneous principles; but why would he vote for church extension in the Colonies, and in Scotland? Each of these cases was an instance that he consented to the promotion of erroneous principles? Where, he would ask, should the public money go, but into those barren regions, as the noble Lord, the Member for Marylebone, had called them, where religious education was most wanted, and where there was no other way of providing it? Where did they build their churches with the public money, but in places where there was a want of them? The hon. and learned Member for Liverpool had taunted his (Mr. *V. Smith's*) side with the smallness of their majority, and had asked them whether this was to be considered an open question. He would say nothing more to this, than that it was more likely to be an open question on the other side of the House, than on that of the Government. For how could the hon. and learned Gentleman possibly bring together all those speeches which had been made on the Opposition side during the debate on this subject? It would be curious to learn in what school all those hon. Gentlemen were educated. In his opinion the remark of the hon. and learned gentleman was most ill-timed. But the House having already sanctioned by a majority, small however as it might be, the Order of the Privy Council, whether they would now deny the Government all the power of carrying it out by refusing the grant of the money now proposed, he could not say; but of this he was satisfied, that the discussions which had taken place would show his hon. Friends in a most conspicuous light as the advocates of religious liberty. The noble Lord who had opened this debate had referred back as far as the reign of Henry 4th., to show that the Church had educated the people. He could also refer back to that reign, for the noble Lord would find, that in the sixth year of Henry the 4th, Parliament having been called upon to vote certain supplies, voted an address to his Majesty, saying, that he might as well take the temporal revenues of the Church. The Speaker went up with the address, but the archbishop, who was present, told his Majesty, that the Church furnished their vassals for the wars, and gave the country their prayers; to which the Speaker answered, as any other Speaker might, without any reserve, that that might be true, but he rather thought the prayers of the clergy would yield but a scanty supply. If, therefore, the noble Lord considered antiquity a great argument in his favour, those who wished to abolish the Church, might also find in antiquity reasons to support their views.

Sir *G. Clerk* said, that after the full discussion of the question which had taken place, and after the various arguments which had been put forward with so much force and effect by hon. Members at that side of the House, and which were still unanswered, he should not feel it necessary, even if he had the ability, to occupy the time of the House for a long period. But he could not hear the speech of the hon. Member who had just sat down, without offering one or two observations upon it. When the noble Lord first brought forward his proposition, he gave the House to understand what his intentions were as to the mode of proceeding he would adopt. In the course of the speech which the noble Lord delivered upon that occasion, he stated that it was his intention to proceed by bill, and that he intended to bring in a bill to carry into effect a system of national education. He could not be mistaken upon this, for in those channels of information which vended the proceedings of the House, the noble Lord was represented as expressing himself to this effect, and the statement that such was his intention appeared in more than one speech of the noble Lord. When the noble Lord was asked by his right hon. Friend, the Member for the University of Oxford, to explain the course he intended to take, he then stated that he intended to proceed by bill. It appeared, however, that the noble Lord had since seen reason to change his course, and to abandon that line of proceeding which he had originally intended to pursue. Whatever were the reasons that had satisfied the noble Lord, he trusted that he would reconsider his present determination, and would not only abandon his original intention of proceeding by bill, but of setting aside the House of Lords by a resolution. By pursuing his present course of asking a vote in Committee of Supply, he deprived the House of Lords of all opportunity of giving an opinion upon this important subject. This, he thought, in every sense, to be most objectionable. The settlement of so important a question as the establishment of a system of national education ought to have the concurrence of every branch of the Legislature. Well, then, with respect to the proposition before them. What security had they that if they voted this money the original plan of the Government would not be revived? What security had they that the original plan might not be carried into effect by means of this money, should the Committee consent to acquiesce in the proposed vote? The noble Lord and those who spoke at the otherside of the House said, that all the most objectionable parts of the first plan, such as the erection of normal schools, would be given up. But, though these declarations might be made, there was no other security than those declarations. There was no restriction whatsoever as to the application of this money. The committee of the Privy Council acting with the concurrence of the Government, would be perfectly at liberty to dispose of this money and to distribute it in whatever manner they thought fit The hon. Member for Northampton, who had last addressed the House, had spoken of the plan introduced by Lord Althorp in 1833, and he certainly thought that he had spoken of it in a manner that was not to be expected from a Member of her Majesty's Government in speaking of the plan that had been introduced by that noble Lord. It was not for him to enter into a defence of that plan; but on every occasion in each successive year when a vote of money was asked for by the Chancellor of the Exchequer for the purposes of that plan, it was invariably eulogised by the Chancellor of the Exchequer as having been unusually successful, and as having given great satisfaction to the public at large. There were many different points on which the present plan differed from that which had been introduced by Lord Althorp in 1833, and the reason which principally induced him to address the committee, was in consequence of learning, for the first time, from the terms of the resolution, that it was intended to extend this plan to Scotland. It was with the deepest alarm that he viewed this attempt to extend this plan to Scotland. He would confidently venture to say, that no person connected with Scotland was aware of that intention, or had anticipated until the resolution was read, that it was intended to extend this plan to Scotland. If he understood the vote correctly, it was to the effect that a sum of 30,000*l.* be granted for the purposes of education throughout Great Britain. If this sum was voted, it would be placed entirely at the disposal of the committee of the Privy Council, to be distributed as they thought fit. The Chancellor of the Exchequer smiled, but he said, that the changes which this plan proposed to make called forth the serious apprehensions of all connected with Scotland. There were two most important alterations in the present plan, which would most materially affect that country. When the hon. Member who spoke from the other side of the House said that the suggestion of a system of national education was, for the first time, made by her Majesty's Government, that hon. Member was certainly mistaken in his statement. He would tell that hon. Member, that for more than a century, a system of national education had existed in Scotland—a system, too, it was, which, whilst it had given satisfaction to the people of that country, had raised their moral character to that high degree of excellence for which the people of Scotland were so universally remarkable. What was the peculiar merit of the scheme of public education that had so long existed in Scotland? Why, it was intimately connected and interwoven with the Established Church of that country. That system was a religious and Scriptural system. It was under the immediate superintendence and direction of the Church, and formed part of the ecclesiastical polity of the country. Well, then, let them now come to consider how the plan proposed to be carried into effect by this vote would interfere with the system established in Scotland. He supposed that the people of Scotland would be excluded altogether from any participation in this grant, unless they submitted to the supervision of the inspectors to be appointed by the Committee of the Privy Council, and which he supposed would go to supplant that supervision which was now vested in the Presbytery. He did not mean to say that the system of education which prevailed in Scotland was altogether perfect, or as good a system as it could be made. But whatever defects belonged to that system did not arise in any respect from the principles on which it was founded, but from the circumstance that the money which the State had provided for the purposes of education in Scotland was insufficient for the purposes to which it was applied. The defects arose from these two causes—first, on account of the scantiness of the provision, which enabled them to give only very small salaries to the schoolmasters and teachers employed; and secondly, on account of the great population of the country, and who had not the means of providing for the erection of additional schools. They, therefore, were prepared to receive thankfully the grants made in 1833 and 1834 for the erection of additional schools in Scotland, because these schools were on the system that had hitherto prevailed, and were under the superintendence and direction of their own clergy. There was no inconvenience felt with respect to the attendance in these schools. Many persons were separated from the Church, not because they dissented from its doctrines, but because they disliked its discipline. But this made no difference whatever with respect to the attendance of the children at these schools. Well, then, he supposed, as he had before stated, that if they got any part of this money it would be only on the terms of their consenting to place the schools under the superintendence appointed by the Privy Council, and who would supersede the inspection of the Presbytery. They knew that so unrestricted was this vote that the Privy Council would have the power to withhold a grant to any school who should refuse to adopt all the new lights which the Committee of the Privy Council might from time to time receive from the Central Society of Education. Another objection arose from a consideration of the effect that would be produced by the determination of the Privy Council, as expressed in the Minute of the 3rd of June. It was expressly understood that there was to be a departure from the former system, and that this grant was not as heretofore, to be confined to the National and the British and Foreign School Societies. The Chancellor of the Exchequer smiled, as if to say, "What had Scotland to do with these schools?" But the Chancellor of the Exchequer ought to take care how he distributed money to any schools which were not based upon the principle of the National and British and Foreign Society, namely, the principle of making a knowledge of the Scriptures an essential part of the system of education. The Chancellor of the Exchequer, in supporting this plan, had departed from the principle on which he himself had acted not very long ago. Little more than a year ago an application was made to the Chancellor of the Exchequer by a Roman Catholic clergyman in Edinburgh, for a grant of money for the erection of a Roman Catholic school. What was the answer of the Chancellor of the Exchequer? Did he accede to this request? No such thing. He refused, and very properly refused, to grant any money for any school unless he had a security that that school would be conducted on the principle of the British and Foreign School Society. In effect, this was saying that he would grant no money for any school from which the Scriptures were to be excluded. He thought that the Government ought at once to declare to the people of Scotland, that their real object was to pave the way for the establishment of Roman Catholic schools in Scotland. He had no doubt that these were the views of the Government in proposing this plan. Such, he was sure, was the consistent and conscientious wish of many hon. Members of the other side of the House, who would be found amongst the supporters of this resolution. He well recollected, that in the discussion which took place on the measure for providing for the Highland schools, many of the general supporters of the Government objected to the bill, because it did not provide for the means of educating Roman Catholic children. He was sure that no Cabinet Minister would get up and declare that such were his intentions. He might safely say, that there was not an individual in Scotland who had the least suspicion that this new scheme was intended to extend to that country. He was sure, that when this fact was known there would be a general burst of indignation from all classes of the Scottish people against the extension of this plan to Scotland. He was sure that he spoke the sentiments of ninety-nine out of every hundred inhabitants of Scotland, when he said that they would much rather not receive a single shilling of this money than to receive it on the terms and under the conditions with which alone it would be granted. He must say that this part of the subject had not yet been touched on. He was sure that this plan would be met in Scotland with the strongest feelings of disgust and indignation. If the country had been warned that this plan was to extend to Scotland, meetings would have been held in every town, and the Table of the House would be covered with petitions from every part of Scotland against it; and if the noble Lord would only give sufficient time for ascertaining the opinion of Scotland, he pledged himself that there would be an unanimous expression of the feeling of that country against this plan. He had no hesitation in giving his decided negative to this vote. In doing so he was perfectly aware of the importance of the subject, and of the value of extending the advancement of education. He would be willing to agree to even a larger vote if the principle on which former votes had been granted was still to be adhered to; but feeling a strong conviction of the evils which this plan would produce, he felt it his most imperative duty to oppose it. He trusted the committee would not agree to this resolution; and he certainly should give it his most earnest opposition, and record his decided vote against it.

Mr. *Sheil* said, that the hon. Gentleman who has just sat down has stated a fact by which his imputation against the Government is refuted. He mentioned, that a Catholic priest had applied to the Chancellor of the Exchequer for a grant of money for a school in Scotland, and that the money had been refused. Why? Because it would have been applied to the purposes of exclusive instruction in the tenets of the Catholic Church. Does not this prove, that the Government does not mean that any part of the fund should be applied to a school attached exclusively to one Church, and does it not thus repel the charge of the hon. Gentleman, grounded on his own misconception of the intentions of the Ministers? The hon. Gentleman spoke of the intentions of Government. I will not presume to conjecture the objects of the hon. Gentleman. I shall venture, however, to intimate a hope, that the hon. Gentleman was not resorting to any illegitimate expedient to raise a no-Popery cry. I pass, however, from the speech of the hon. Gentleman to that of the learned Member for Liverpool. That learned Gentleman has made certain statements regarding the corporation schools utterly at variance with the information which I have received upon the subject. I wrote to Mr. Rathbone, a gentleman of the highest respectability, in order that he might ascertain the exact state of facts. Previous to the passing of the Corporation Reform Bill no more than two or three Catholics had attended the corporation schools. When the Corporation Reform Bill had passed, the council had to determine what course they would take in regard to the schools. Mr. Blackburn, the chairman of the education committee, gives in a pamphlet, which I hold in my hand, the following account of the plan which was adopted:—

"The property committed to the management of the council does not belong to one party or sect, but to the whole community. The obvious duty of the council, therefore, is so to employ their funds as to render them subservient to the benefit of all. In considering the plan upon which the schools should be conducted, the first question that presented itself was—is there any system we can adopt which will render them accessible to the children of all denominations, and make them the means of imparting a valuable elementary education, in which, without compromise of principle, all may participate? Unless a satisfactory answer could be given to this inquiry, the continuation of schools, under the management of the council, and supported by the public property, of which they are the trustees, was obviously impossible. To have continued them on the exclusive and sectarian basis on which they have hitherto rested, would have been an act of gross and palpable injustice, and a flagrant violation of their duty, as representatives of all classes of the people and guardians of their rights. In looking at our state of society in Liverpool, it is impossible to forget, that a very large, and not the least destitute, part of the population consists of Irish Roman Catholics, settled permanently amongst us; and on the ground of justice, humanity, and sound policy, entitled to our sympathy and kindness. They are by birth our fellow-subjects, and have now become our fellow citizens. Driven from their native land by a long course of tyranny and misrule, in the review of which every Englishman may well blush for his country, they present a claim to our most strenuous exertions for their moral and social improvement, and ought to be welcomed to the enjoyment of every advantage we can afford them. Can any benefit be offered to them more truly valuable than a sound and useful education for their children? and is it not in the highest degree desirable, that it should be imparted to them in such a way as may tend to remove the asperities arising from national distinctions and religious differences, and amalgamate them, as far as possible, in habit and friendly feeling with the native population? Regarding the Irish national system of education, as peculiarly fitted for the attainment of both these objects, and convinced that it is founded on enlightened and truly scriptural principles, the education committee determined to recommend its adoption, and the council, by a large majority, confirmed their recommendation."

Such is the system of instruction adopted in one of the greatest cities in the British empire. What have been its results? I have inquired of Mr. Rathbone, formerly mayor of Liverpool, and I have received from him a letter, which I will read to the House—

"Liverpool, May 25, 1839.

"Sir—I have the honour to acknowledge the receipt of your favour of the 24th instant, and beg leave to assure you, that I shall have the highest gratification in giving you any information in my power respecting our corporation schools. I have been on our education committee from the time the schools came under the management of the reformed town council; I speak, therefore, from my own knowledge, and pledge myself to the accuracy of my statements.

"We have the gratification of believing, that the system works admirably, and that, too, though opposed with reckless misrepresentation, and with unscrupulous hostility. The Catholic clergy have acted with great liberality, and with a most gratifying confidence in us, allowing and encouraging the children to come to schools under the direction of a committee at one time wholly Protestant, and the teachers also, and ready to concede and conciliate wherever it could be done without the violation of a principle. We are bold enough to think, that we have demonstrated the fact, that a system of national education is practicable; to give to all the best possible secular education, a morality which may guard against the dram shop, and keep out of gaol, without interfering with each being well instructed in their own peculiar religious dogmas, and all proving, that they are christians by their love to one another. The examinations have proved how well the religious instruction has in the mean time been completed. I believe there is not a school in Liverpool where there is the same quantity of sound religious instruction and knowledge. Although you do not mention it in your letter, I may as well, even at the risk of being tedious, refer to the cry especially raised against us, viz., that the Bible was excluded the schools. It is true, that the Catholics are not compelled to read or hear read the authorised version of the scriptures, but are furnished with the Douay version; but to the Protestants, the authorised version is read; they are taught to read it, and have been from the first day the schools came into our hands. I may repeat, that they are not merely taught to read, but to understand what they read, and to apply its glorious precepts and principles to the daily duties of life. If at any time you should be going through Liverpool, and had an hour to give to the object, on knowing, that you were here, I should have great pleasure in waiting upon and showing you our schools; every one is admitted to see them even without introduction, on writing their names in a visitor's book, and at all hours. We have nothing to conceal, and have, therefore, no mysteries. As I find my friend, Mr. Thornely, is returning to town I send this by him. I send you a formidable list of documents; the first, the correspondence between Mr. Symonds and myself, will, in fact, answer your letter, and is confirmed by his observations. The letters in testimony of the scriptural education are by very orthodox dissenting ministers, who are quite as far removed from Catholicism as the clergy of the Church of England, and I apprehend much more so, on (to them) religious grounds. The defence of the schools is also by a very orthodox dissenter, Mr. Blackburne, the chairman at present of our education committee, and very much in earnest on the subject of his Protestant faith.

"To R. L. Sheil, Esq."

Such are the results, according to a very high authority, of the system of instruction adopted at Liverpool. If a different system had been followed, how large a portion of the population would have been deprived of the elements of literary, moral, and religious knowledge? In Liverpool there is a very large Catholic population. In Manchester and Salford it is nearly as great. It is indeed, notorious, that the county represented by two noble Lords on the other side of the House, who are opposed to any system by which Catholics can, consistently with their conscientious feelings, receive instruction, contains a vast Catholic population. I do not know the amount of the Catholic population of Great Britain, but I hold in my hand a work written in a spirit most adverse to the Roman Catholic Church, by one of its most uncompromising antagonists, in which it is stated, that it amounts to two millions. If you are to establish a system of national education, will you institute it upon such principles as to deprive so large a portion of the nation of its blessings; and that portion of the nation who of its blessings stand in a peculiar need. The children of the Irish emigrants in this country are in a state of the utmost moral destitution; their parents can scarcely procure them food—much less, by their parents, is there a chance, that with intellectual aliment, they should be supplied. Surely, this House, surely every man of common humanity, should pause before he pronounces against them an interdict so severe. You have admitted the Catholic gentleman to the highest places at the bar—you have raised him to the highest offices on the bench—you have received him in the Senate house and in the Privy Council—you have placed him in stations of the highest dignity and honour in the Palace—and will you, with an almost cruel anomaly, visit the offspring of the unfortunate Catholic emigrant with the last manifestations of legislative intolerance, and slap the door of the village school, in the face of the poor Catholic child. Sir, this measure is resisted upon grounds in which I did not think that all the hon. Gentlemen opposite concurred. In the first sentence pronounced a few nights ago by the right hon. Baronet, the Member for Tamworth, he took care to intimate, that he was not responsible for all that was uttered on his side. To whom and what did he allude? He left us to conjecture how far he adopted or repudiated his auxiliaries. The right hon. Gentleman did not very distinctly announce the principle on which his plan of education should be founded; he principally objected to the structure of the board. If the right hon. Baronet had told us—"Put me a Bishop or two on the board, and then I will agree to a plan in which all Dissenters shall be included," the right hon. Baronet's suggestion would have been reasonable enough; but when he contents himself with saying, that the Government ought to intrust the education of the people to an ecclesiastical board, he by necessary implication excludes from all share in the advantages of education, a large portion of his fellow creatures. Suppose, for example, the Bishop of London was a member of the board, how could he agree to instruction in tenets which he professionally condemns? He may think, as he is a scholar, that the Douay version is fully as accurate as the authorized one; but, as a theologian, he must pronounce the Church of England to be incapable of a mistake in Hebrew, and to be infallible in her interpretation of the Hellenistan dialect, in which the New Testament is composed. You would, therefore, by putting him on the board, place him in a most embarrassing condition. But the Church, it is said, has a right to superintend the education of the people. The Church has until very recently exhibited a profound apathy on the subject. Would there be so much ignorance in this country, as upon all hands is admitted to prevail, if the Church had performed its duty? The Church has been aroused from its torpor, not by its sense of the necessity of education, but by its jealousy of dissent; and when it reserves its interposition until the eleventh hour, we should be slow indeed in giving heed to claims to which the interests of so large a portion of the people must be sacrificed. But independently of these considerations, the position laid down by the right hon. Baronet is at variance with the course which he acknowledges himself to be willing to pursue. He is ready to accede to a grant to the Foreign and British Society. But that society is not under the superintendence of the Church. That position cannot be reconciled with the abstract doctrine of the right hon. Baronet, so far as any doctrine has been laid down by him. But this inconsistency is not confined to the right hon. Baronet. His auxiliaries, if such they may be called, do not only differ from each other but from themselves. Look at the two noble Lords, the Members for North and South Lancashire. The latter, in 1825, moved, that the Catholic Church should be paid and maintained by the State. He proposed a grant of 250,000*l*. a-year for this purpose, and now he denounces a small grant to be applied to the common education of all classes—Catholics included. But he is not so inconsistent as the noble Lord who was selected by the Tory party to lead them on this conspicuous question. It was to the noble Lord, the Member for North Lancashire, that the assault on education was confided. Yet he was the Member of the Whig Government who in 1831 established the Irish Education Board—established it on the ground that a mixed education was superior to every other, and by doing so, incurred denunciations from his new Friends, the Wesleyan Methodists, as vehement as those of which he makes his old friends, the Whigs, the objects. He may tell us, indeed, that England and Ireland are differently circumstanced. Does he say so when the sinecure Irish Church is concerned? No; he tells us this, when the children of poor Irish manufacturers in Manchester, or in Preston, are to be deprived of the benefit of every grant to be made by the State. But when we are told, that Ireland and England are differently situated, is it not obvious, that it is upon grounds of expediency and not of principle, that the distinction is founded? I am very far from saying, that the Irish system of education should be adopted generally through this country. But in particular localities, circumstanced exactly as districts in Ireland are confessed to be, such a plan ought to be adopted as shall admit those children to the benefit of a Parliamentary grant, who might otherwise be excluded from its advantages. I pass from the Member for North Lancashire to the Member for Pembroke: that right hon. Gentleman was a Cabinet Minister when the Irish Education Board was established, and he acknowledged, that it was a departure from the principle on which he insisted. But what is the value of a principle if it is violated in a hundred instances, and that by the very men who so dogmatically, and so peremptorily and infallibly, lay it down? That right hon. Baronet spoke after the Chancellor of the Exchequer, and rose to institute such defence as circumstances would admit of the Member for Newark. The Chancellor of the Exchequer had ridiculed the state conscience of the Member for Newark, and accumulated example upon example of grants made to Catholic priests, and for the maintenance of the Catholic religion in British possessions, to which the Member for Newark was a party. He was Under-Secretary to the Colonies under the Peel Administration, and represented that department in the House of Commons, and what did the Member for Pembroke say in reply? Why, that all these instances were a departure from principle, forsooth. Well, if you have treated principle, as you call it, with such utter recklessness in instances too tedious for enumeration, can you not now, where the education of so large a body of your fellow citizens is at stake, put a little of your excessive sensitiveness aside? For does the inconsistency stop there? The Irish Education Commission was adopted by the Tories; nay, the grant was increased: every man in office was, in point of conscience, responsible for a participation in that proceeding, and the Member for Newark was then in one of the most important and responsible offices with which the Member for Tamworth could have confided to him. I protest, Sir, I think that the Member for Newark, with all his fine subtlety, will find it more difficult to reconcile his principles as a Churchman with his conduct as a Statesman, than he has found it to reconcile in his celebrated work, the right of private judgment with passive obedience to the Church. Sir, I entertain for the hon. Gentleman that respect which is due to his indisputable talent and to his unquestionable worth; but I own, that after having perused a work, of which I in great part approve as redolent of Catholicism; a work dedicated to the University of Oxford, as tried and proved for a thousand years (what an inference from that vast cycle of time must be derived?); after having read a work in which the Church of England is represented as a continuity, through the medium of apostolical succession, of the great primitive establishment; after having perused a book, in which even to the Scotch synod very few, if any, of the incidents to a Church are conceded; after, I say, having read all this, I was not a little surprised to hear the hon. Gentleman pronounce a panegyric on the proselytes of John Wesley, who have separated themselves by boundaries the most marked from the Church, who have disclaimed the authority of your bishops, instituted an ordination of their own, established not only an alien, but a hostile organization of their priesthood. You have more reason to dread them than us. Why are you for ever, in reference to Popery, crying out, that your Church is in danger, and giving way to the most fantastic fears? What in the world makes you so much afraid? Why do you not, as you resemble us in so many other regards, in our fearlessness and security, follow our example? It was in reference to our Church that your famous Dryden exclaimed—

> "Without unspotted, innocent within,
> She feared no danger, for she knew no sin."

Surely your consciousness is not the source of your dismay. You have nothing to fear, armed as you are, I presume, in innocence, from any cause, much less from the education of the unhappy Popish poor. Your Church, your Angelican Church (for I can scarce call it Protestant), is incorporated with the State, is is supported by the interests of the higher orders and the faith of the humbler classes; "in the midst of courts and Parliaments it lifts its mitred head;" it possesses vast revenues; it rules over the two most famous universities in the world; it presides over the great patrician seminaries of the land; it has retained all the pomp, pride, and glorious circumstance of the establishment of which it is a perpetuation, archbishops, bishops, deans, cathedrals, chapters, golden stalls; it is distinguished by a prelacy eminent for learning, and what is more important, by the activity, the energy, and spirit, of organized confederacy amongst the parochial clergy. Such is your establishment, and can you bring yourselves to believe, that such a fabric, based on the national belief, and towering amidst aristocratic sustainment, can be subverted—not by foreign invasion, not by intestine commotion, not by a great moral concussion—but can be prostrated on the rock of truth, on which you believe it to be raised, by a discharge of Douay testaments and Popish missals, by a set of shoeless, shirtless Popish paupers, gathered under the command of the Privy Council, from the lanes of Liverpool, the alleys of Manchester, and of Salford, or the receptacles of St. Giles's? These fears, this ague of apprehension for your Church is idle, and would be ridiculous, but for the fatal results which it produces and the constant injustice which it works. It stops the progress of national improvement, and even amongst men of kind and humane feelings, wherever the interests of the establishment are involved, produces to all considerations, except those interests, an utter insensibility. Take as an example, the Member for Dorset, who is so remarkable for the benevolent concern he feels for the poor factory children. It does great credit to his heart, that he should feel so deep a sympathy for those unfortunate beings who in the spring of life—in the season when, if ever, joy should bud out of the heart, are immured in those dismal fabrics dedicated to the genius of insatiable gain. How often and how eloquently, has the noble Lord expatiated upon the moral destitution to which those poor children are reduced! It is in vain, that his appeals are met by remonstrances from those who have embarked their whole property in these speculations, and who tell him, that their ruin may be the result of his rash and precipitate humanity. Of everything but its suggestions he is regardless, and in his honourable enterprise, undeterred by every obstacle, with the chivalry of benevolence, pertinaciously perseveres. But, alas! what a contrast he presents, the instant the prerogatives of the Church are touched! His sensibility at once evaporates—to the imaginary hazards of the establishment, he immolates the interests of thousands and thousands of helpless beings, and refuses to stretch forth his hand to raise them from the depth of ignorance and of depravity in which they are immersed. Has the noble Lord ever been in that part of this vast metropolis in which Irish emigration is chiefly deposited? Has he ever traversed that melancholy district, in which, at every step, the eye, the ear, the heart—every physical and moral sense is shocked? Has he ever looked down into those recesses, in which hordes of miserable children are accumulated in heaps of wretchedness—or has he ever looked up to the dwelling, which swarm with diseased vitality, and through sashless windows seen the face of squalid, emaciated, vacant childhood, staring with the glare of ignorance and misery upon him? If he were to observe and become familiar with such spectacles, his over-righteous habits would give way, his natural emotions would get the better of his prejudices, and he would feel, that true religion, which is identified with charity and with mercy, required, that for the instruction of those unfortunate creatures something on the part of the Legislature was imperatively required. I have heard much in the course of this discussion of the dogmas of theology. I do not profess to be conversant with them; but I sometimes read the Bible, in every page of which the lessons of mercy are so admirably inculcated, and it strikes me, that if there be a passage in which the character of our Saviour is described in a peculiarly amiable light, it is that in which he is represented as desiring his disciples not to forbid little children to come unto him. I think—I cannot help thinking—that if among the little group, on whose heads he was invoked to lay his hands, there had been the child of a Sadducee or of a Samaritan, the God of mercy and of love would not have put the little schismatic aside. Do not imitate the example of those by whom the children were rebuked; suffer them to approach him; let them have access to the sources of pure morality, and of that truth which is common to all Christians; do not close the avenues to that knowledge which leads to happiness "when time shall be no more", and, instead of engaging in acrimonious contentions about ecclesiastical prerogatives and pretensions, let us act on the precept contained in the Divine injunction—"Suffer little children to come unto me, and forbid them not, for of such is the kingdom of heaven."

Mr. *Goulburn* felt deeply the importance of the sentiments with which the hon. and learned Member for Tipperary had concluded. He had listened, also to the whole of the arguments used in the debate from beginning to end, and confessed, even at that late hour, he was unable to understand the plan of the Government. He had heard different explanations, but he wished to know distinctly the fact, whether the original plan was actually abandoned or not? Did they mean to adopt the course explained in the first minute of the Privy Council? What was the meaning of the vote on which they were called upon to come to a conclusion? In former years, when the House had been called upon to pass a vote under similar circumstances, the Government had laid before the House the principles on which the money was to be distributed, and the manner in which it was to be applied. Let them consider the terms of the grant of last year. Then it was expressly declared that the money was to be granted to enable her Majesty to issue money to build schools in aid of the poorer classes—but in the present case it was simply stated to be for public education. They had been taunted by hon. Members opposite, that they showed a suspicion of the intentions of the Government. He confessed he did entertain such suspicions. He considered himself bound to take every security against the possible abuse of the powers sought to be conferred upon them. And, although it had been said that the money would be expended on principles analogous to those that had been the rule in former years, he confessed he did not place reliance on that statement. On the contrary, he believed, as had been stated by hon. Friends behind him, that the intention of the present vote was to pave the way for introducing the system of instruction originally proposed in the minutes of the Privy Council, and which the Government would be anxious to introduce at the first opportunity. They had been taxed with a desire to reject all votes for the extension of education, and with having abandoned the principles on which they had agreed to former votes. But let the Government come down to the House tomorrow, and let them present to them the vote of last session, with the object to which it was to be applied stated on the face of it, and he would not find him opposed to the vote, but ready to give his support to it. But under the existing circumstances, what course was open to them but to oppose the vote? Hon. Gentlemen might be aware that in Committee of Supply they could not oppose the appropriation, or propose any condition upon which grants were to be made, that it was for the Crown, or the Ministers of the Crown, to propose the grant, and that it was for them to say whether the amount was such as they did not object to. In this case, they must be aware the amount was nothing, the principle was all; and as they had no power to oppose the principle of the vote, they must oppose the vote itself. He hoped, then, that hon. Gentlemen would not again urge the argument, that in resisting this vote they were acting against the course which they had before pursued. His hon. and learned Friend, the Member for Liverpool, had alluded to another object of this vote, which was entitled to the serious consideration of the House. If they were not now in a position to enter into the details, or to express their opinions on the question, that circumstance was alone attributable to the mode in which the Government had brought forward the subject. If they had adopted the more open course by the introduction of a bill before the House upon the subject of education, then might every hon. Member have expressed his opinion and his dissent from any particular portion of the plan in such a way as would be calculated to obtain that attention which his suggestions had a right to receive. But, by the course which had been adopted, they were unable thus openly and minutely to object to the details of the principle; and they were reduced to the necessity of meeting the Government upon the simple issue which they had taken. He said that circumstances like these might seriously affect the conduct of the business of this House. He knew that the right of granting money to the Crown belonged exclusively to the House of Commons, and it was a right with which they could not allow the other House of Parliament to interfere; but they knew that that House could give a negative or an affirmative decision upon any grant which should come before them upon the face of any bill. The House of Peers, however, had, in cases of this description, excluded themselves from possessing any voice upon the subject. The difficulties and inconveniences which had resulted from the course then pursued had been felt to be so great that another plan had been adopted; but it was now the custom for them to insert every year in the Ways and Means Bill a clause, by which they granted permission to have the money appropriated without waiting for the usual necessary measure to enable them to do so. But when this House had to deal with a question of this magnitude, was it a judicious course to adopt to deprive the House of Peers of all power over the question at issue? and he begged to tell hon. Gentlemen that they must not be surprised if, in vindication of their own character and their own rights, the House of Peers were to refuse upon some future occasion to concede that point which they had hitherto granted for the convenience of the Government in carrying on the public business of the country. No man who had at all considered this question could for one moment doubt that education was the main object in view, and that the money which was proposed to be granted was only accessary to that question; but although the clergy of this country were not represented in this House of Parliament, and although this subject was one peculiarly for their consideration, so deeply interesting as it was to the moral and religious feelings of the persons under their charge; yet those very means had been adopted by which they were prevented from being able to express any opinion upon the subject. An hon. and learned Member who advocated the cause of Ireland had looked upon the idea of the Government endowing Roman Catholic schools in that country as absurd; but when he turned to England, he called upon the House to take pity upon the condition of the children of the poor of the Roman Catholics. But if the system which he suggested were good in one country, it was good also in another; and if the grant were intended to be general, the Government must act upon the same principle in all places. It was said also by an hon. Member, that there should be such an united system of education in both countries that the children of Roman Catholics should associate with those of persons of other persuasions, and that there might be a general system of religious instruction, avoiding all particularity of doctrine. If that, then, were his opinion, his belief must extend to this—that the minute of April contained in it the basis of education which the Government should adopt; but he begged to tell the House, that he for one, on the part of the members of the Church of England, must express his great unwillingness to enter into this scheme if it should be adopted. Were they then prepared to establish such a thing,—was that their view of the toleration of general education? He told the House, that what he said would be the general effect of the adoption of this scheme, and that members of the Established Church would never consent to their children being sent to schools merely for their secular instruction, and merely for general religious instruction. Much had been said in favour of secular instruction, and he was undoubtedly prepared to admit, that it might soften the manners of the student; but unless they founded the education that was given upon the principle of the established religion, he would not believe, that it could have any effect in reforming the character of the man, for experience had proved to him, that reform in the mind could only be effected by religious instruction. The hon. and learned Gentleman who had last spoken had asked them, why they so anxiously wished, that the list of the board should contain the name of a bishop of the Church. He said "Why will you have a bishop—is he not bound to enforce religious doctrines—is he not bound under the obligation of his office to take care that those doctrines which are opposed shall not be abandoned or denied? And why, therefore, do you wish to have him in the board to join in the plan of general education?" He asked him what difference he could draw between the doctrines supported by the bishops and those which were advocated by members of the Established Church of England? If the argument of the hon. and learned Gentleman amounted to anything, it was to this; "You have selected four Members of the Privy Council to form a Board of Education, who are careless of religious doctrines, who, so far from wishing to guard against danger by opposing contending doctrines, are so lax in their views of religion, that they will not object to entertain some general system, omitting all reference to peculiar doctrines." He was himself at least determined to take care, that the people of this country who were attached to the Established Church should not in their youth be carried away from the opinions which their parents were disposed to instil into their minds, by doctrines foreign to those which they were themselves desirous of following. The hon. and learned Member had thought it proper to advert to what fell from the noble Lord, the Member for Dorsetshire. He entirely concurred in the observations made by the hon. and learned Member, and he wished he could express as eloquently as he had done his admiration of his noble Friend. He was delighted with the conduct of the noble Lord in the course which he had adopted in reference to another subject; but so far from considering the conduct of his noble Friend in respect to this question as at all at variance with that which he had before pursued upon that suggestion of the hon. and learned Gentleman, he begged to take a most decided issue. He could assure the House, that he had no disposition to interfere with the termination of this debate. He had been, however, anxious on his own part to state in a very few words the grounds on which he objected to this vote.

Lord *John Russell* had no wish to enter into the general question which had been discussed, but as there had been one or two questions asked him by the hon. and learned Member for Liverpool, and by the right hon. Gentleman who had just sat down, which had caused some surprise in his mind at their being put, he thought that he was bound to give some explanation. The hon. and learned Member for Liverpool had stated his wonder at the course which he had taken, and doubted extremely whether he had given up the minute of April, or had adhered to it. He must say, that if the hon. Gentleman had wished to know his intentions he would have done better if he had consulted the Report of the Privy Council of the 3rd of June, instead of the extract which he read from some essay on education among the proceedings of the Central Society of Education, which the hon. and learned Member seemed to think was a great authority upon the subject. Now the fact was, that in that minute it was stated expressly for what purpose the vote was to be applied; and he would take the report of the Committee, and would read a part of it, which stated exactly what the application of the money would be. The report said:—

"The Lords of the committee recommend that the sum of 10,000*l*. granted by Parliament in 1835 towards the erection of normal or model schools, be given in equal proportions to the National Society and the British and Foreign School Society. That the remainder of the subsequent grants of the years 1837 and 1838 yet unappropriated, and any grant that may be voted in the present year, be chiefly applied in aid of subscriptions for building, and, in particular cases, for the support of schools connected with those societies; but that the rule hitherto adopted of making a grant to those places where the largest proportion is subscribed be not invariably adhered to, should application be made from very poor and populous districts, where subscriptions to a sufficient amount cannot be obtained."

[Cries of "*Read on!*"] Well, he would read on.

"The committee do not feel themselves precluded from making grants in particular cases, which shall appear to them to call for the aid of Government, although the applications may not come from either of the two mentioned societies."

He thought that that statement was sufficiently clear; that the general application of the money would be in aid of schools supported by the National Society, and by the British and Foreign Society, and that the great bulk of the money would be given in aid of these societies; but there might be some small part of it which might be otherwise applied. He thought they would not be doing justice to the whole community did they exclude other schools. There might, for instance, be a school connected with a factory. A manufacturer might be anxious to establish a school on an extensive scale, and might ask for aid from the committee of the Privy Council. But, then, he was asked whether the committee would not think themselves justified in proceeding on the plan indicated in the minute of April, supposing that in September there should be a more general concurrence than at present in the principle of that minute. He should say, that it was quite obvious that the money being granted for a particular purpose, it might be within the power of the committee, but certainly not within the scope of the vote, to make such application. The right hon. Gentleman opposite, said, that the money granted by the Treasury was limited by minutes, but did he not recollect that in 1833 money was granted without minute? [Mr. *Goulburn:* It was by vote of the House.] The right hon. Gentleman said it was by vote of the House. He would come to that: and what, then, was the vote of last year? It was proposed that a sum not exceeding 20,000*l*. should be granted to her Majesty to provide for the erection of school houses, in aid of private subscriptions, and for the inspection of those already erected. That was the vote for 1838, and he begged to say, that he would adopt those words, if they would answer the object of that which they were about to call for now. With regard to the former of these votes, it did not contain the whole of what was in this Report of the Privy Council, but if their taking the vote in the words in which it was taken last year, would satisfy hon. Gentlemen opposite, and would answer their objections, he should have no objection to adopt those words, instead of those in which the grant was now moved.

So little did he think that the application of the money would be fettered by the vote that he was willing to give it in these words. Then with respect to the plan of April 10, as to the normal schools, he had been asked whether the committee expressed their adherence to the plan. The report was this,

> "The committee are of opinion that the most useful application of any sums voted by Parliament would consist in the employment of those monies in the establishment of normal schools, under the direction of the State, and not placed under the management of a voluntary society."

There was only one other question which had been asked him, and which he believed he had answered the other night. It was with regard to the nature of the inspection, it being supposed that it would interfere with the religious instruction in schools. He did not suppose that it would at all interfere, or at all oppose the instruction under the National and the British and Foreign School Societies, for their plans and their regulations would remain precisely as at present, so far as the vote was concerned. He certainly conceived that with respect to the National Society, if this vote did pass, he should be bound to conform to the rules laid down with respect to any sum granted to the society. He had been obliged to refer again to this report, because although there had been many representations and arguments as to what should be done, he had observed that hon. Gentlemen had been cautious in avoiding entering upon any minute discussion of the plan before the House.

The Committee divided:—Ayes 275; Noes 273: Majority 2.

List of the Ayes.

Abercromby, hon. G.
Adam, Admiral
Aglionby, H. A.
Ainsworth, P.
Alcock, T.
Alston, R.
Andover, Lord
Anson, hon. Col.
Archbold, R.
Attwood, T.
Bainbridge, E. T.
Baines, E.
Bannerman, A.
Baring, F. T.
Barnard, E. G.
Barron, H. W.
Barry, G. S.
Beamish, F. B.
Bellew, R. M.
Berkeley, hon. C.
Berkeley, hon. H.
Bewes, T.
Blackett, C.
Blake, M. J.
Blake, W. J.
Blunt, Sir C.
Bodkin, J. J.
Bowes, J.
Brabazon, Lord
Brabazon, Sir W.
Bridgman, H.
Briscoe, J. I.
Brocklehurst, J.
Brotherton, J.
Browne, R. D.
Bryan, G.
Buller, C.
Bulwer, Sir L.
Busfield, W.
Butler, hon. Col.
Byng, G.
Byng, rt. hon. G. S.
Callaghan, D.
Campbell, Sir J.
Cavendish, hon. C.
Cavendish, hon. G.
Cayley, E. S.
Chapman, Sir M.
Chester, H.
Chetwynd, Major
Chichester, J. P. B.
Childers, J. W.
Clay, W.
Clayton, Sir W.
Clements, Lord
Clive, E. B.
Codrington, Admiral
Collier, J.
Collins, W.
Cowper, hon. W. F.
Craig, W. G.
Crawford, W.
Crawley, S.
Crompton, Sir S.
Currie, R.
Curry, Sergeant
Dalmeny, Lord
Dashwood, G. H.
Davies, Colonel
Denison, W.
Dennistoun, J.
D'Eyncourt, rt. hn. C.
Divett, E.
Donkin, Sir R. S.
Duff, J.
Duke, Sir J.
Duncombe, T.
Dundas, C. W. D.
Dundas, F.
Dundas, hon. J. C.
Easthope, J.
Elliott, hon. J. E.
Ellice, right hon. E.
Ellice, E.
Ellice, W.
Erle, W.
Etwall, R.
Evans, G.
Evans, W.
Ewart, W.
Fazakerly, J. N.
Fenton, J.
Ferguson, Sir R. A.
Ferguson, R.
Finch, F.
Fitzgibbon, hon. Col.
Fitzpatrick, J. W.
Fitzroy, Lord C.
Fleetwood, Sir P.
French, F.
Gibson, T. M.
Gillon, W. D.
Gordon, R.
Grattan, J.
Grattan, H.
Greenaway, C.
Grey, rt. hon. Sir C.
Grey, rt. hon. Sir G.
Grosvenor, Lord
Grote, G.
Guest, Sir J.
Hall, Sir B.
Harland, W. C.
Harvey, D. W.
Hastie, A.
Hawes, B.
Hawkins, J. H.
Hayter, W. G.
Heathcoat, J.
Hector, C. J.
Heneage, E.
Heron, Sir R.
Hill, Lord A. M.
Hindley, C.
Hobhouse, rt.hn. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hollond, R.
Horsman, E.
Hoskins, K.
Howard, F. J.
Howard, P. H.
Howick, Lord
Hume, J.
Humphery, J.
Hurst, R. H.
Hutt, W.
Hutton, R.
James, W.
Jervis, J.
Johnson, General
Labouchere, rt. hn. H.
Lambton, H.
Langdale, hon. C.
Leader, J. T.
Lemon, Sir C.
Leveson, Lord
Lister, E. C.
Loch, J.
Lushington, C.
Lushington, rt. hn. S.
Macaulay, T. B.
Macleod, R.
M'Taggart, J.
Marshall, W.
Marsland, H.
Martin, J.
Martin, T. B.
Maule, hon. F.
Melgund, Lord
Mildmay, P. St. John
Milton, Lord
Morpeth, Lord
Morris, D.
Murray, A.
Muskett, G. A.
Nagle, Sir R.
Norreys, Sir D. J.

O'Brien, W. S.
O'Callaghan, C.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, Morgan
O'Connor, Don
O'Ferrall, R. M.
Ord, W.
Paget, F.
Palmer, C. F.
Palmerston, Lord
Parker, J.
Parnell, rt. hn. Sir H.
Parrott, J.
Pattison, J.
Pechell, Captain
Pendarves, E. W.
Phillipps, Sir R.
Philips, M.
Philips, G. R,
Phillpotts, J.
Pigot, D. R.
Pinney, W.
Ponsonby, hon. J.
Power, J.
Price, Sir R.
Pryme, G.
Ramsbottom, J.
Redington, T. N.
Rice, E. R.
Rice, right hon. T. S.
Rich, H.
Roche, E. B.
Roche, W.
Roche, Sir D.
Rolfe, Sir R. M.
Rumbold, C. E.
Rundle, J.
Russell, Lord J.
Russell, Lord
Russell, Lord C.
Rutherford, rt. hn. A.
Salwey, Colonel
Sanford, E. A.
Scholefield, J.
Scrope, G. P.
Seale, Sir J. H.
Seymour, Lord
Sheil, R. L.
Shelborne, Lord
Slaney, R. A.
Smith, B.
Smith, G. R.
Smith, R. V.
Somers, J. P.
Somerville, Sir W. M.
Spencer, hon. F.
Standish, C.
Stanley, M.
Stanley, W. O.
Stansfield, W. R.
Staunton, Sir G.
Stuart, Lord J.
Stuart, W. V.
Stock, Dr.
Strangways, hon. J.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Talbot, C. R. M.
Talfourd, Sergeant
Tancred, H. W.
Thomson, rt. hn. C. P.
Thornely, T.
Townley, R. G.
Troubridge, Sir E. T.
Turner, E.
Verney, Sir H.
Vigors, N. A.
Villiers, hon. C.
Vivian, Major C.
Vivian, J. H.
Vivian, rt.hn. Sir R.H.
Wakley, T.
Walker, R.
Wallace, R.
Warburton, H.
Ward, H. G.
Westenra, hon. H.
Westenra, hon. J. C.
White, A.
White, H.
White, S.
Wilbraham, G.
Williams, W.
Williams, W. A.
Wilshere, W.
Winnington, T.
Winnington, H.
Wood, C.
Wood, Sir M.
Wood, G. W.
Worsley, Lord
Wyse, T.
Yates, J. A.

TELLERS.

Stanley, E. J.
Steuart, R.

List of the NOES.

Acland, Sir T. D.
Acland, T. D.
A'Court, Captain
Adare, Lord
Alford, Lord
Alsager, Captain
Arbuthnott, hon. H.
Archdall, M.
Ashley, Lord
Attwood, M.
Bagge, W.
Bailey, J.
Baillie, Colonel
Baker, E.
Baring, hon. F.
Baring, hon. W. B.
Barrington, Lord
Bateson, Sir R.
Bell, M.
Bentinck, Lord G.
Bethell, R.
Blackstone, W. S.
Blair, J.
Blennerhassett, A.
Boldero, H. G.
Bradshaw, J.
Bramston, T. W.
Broadley, H.
Broadwood, H.
Brownrigg, S.
Bruce, Lord E.
Bruges, W. H. L.
Buck, L. W.
Buller, Sir J. Y.
Burr, H.
Burrell, Sir C.
Burroughes, H.
Calcraft, J. H.
Canning, rt. hn. Sir S.
Cantilupe, Lord
Castlereagh, Viscount
Chapman, A.
Christopher, R.
Chute, W. L. W.
Clerk, Sir G.
Clive, hon. R. H.
Codrington, C. W.
Cole, hon. A. H.
Cole, Lord
Colquhoun, J. C.
Compton, H. C.
Conolly, E.
Cooper, E. J.
Coote, Sir C. H.
Copeland, Alderman
Corry, hon. H.
Courtenay, P.
Cresswell, C.
Cripps, J.
Dalrymple, Sir A.
Damer, hon. D.
Darby, G.
Darlington, Earl
De Horsey, S. H.
D'Israeli, B.
Dottin, A. R.
Douglas, Sir C. E.
Dowdeswell, W.
Duffield, T.
Dugdale, W. S.
Dunbar, G.
Duncombe, hon. A.
Dungannon, Lord
Du Pre, G.
East, J. B.
Eastnor, Viscount
Eaton, R. J.
Egerton, W. T.
Egerton, Sir P.
Eliot, Lord
Ellis, J.
Estcourt, T.
Estcourt, T.
Farnham, E. B.
Farrand, R.
Feilden, W.
Fielden, J.
Fector, J. N.
Fellowes, E.
Filmer, Sir E.
Fitzroy, hon. H.
Fleming, J.
Foley, E. T.
Forester, hon. G.
Fox, G. L.
Freshfield, J. W.
Gaskell, J. M.
Gladstone, W. E.
Glynn, Sir S. R.
Godson, R.
Gordon, hon. Captain
Gore, O. J. R.
Gore, O. W.
Goulburn, rt. hn. H.
Graham, rt. hn. Sir J.
Grant, F. W.
Greene, T.
Grimsditch, T.
Grimston, Lord
Grimston, hon. E.
Hale, R. B.
Halford, H.
Harcourt, G. G.
Harcourt, G. S.
Hardinge, rt. hn. Sir H.
Hawkes, T.
Hayes, Sir E.
Heathcote, Sir W.
Heneage, G. W.
Henniker, Lord
Hepburn, Sir T.
Herbert, hon. S.
Herries, rt. hn. J. C.
Hill, Sir R.
Hillsborough, Lord
Hinde, J. H.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Holmes, hn. W. A'C.
Holmes, W.
Hope, hon. C.
Hope, H. T.
Hope, G. W.
Hotham, Lord
Houldsworth, T.
Houstoun, G.
Howard, hon. W.
Hughes, W. B.
Hurt, F.
Ingestrie, Lord
Ingham, R.
Inglis, Sir R. H.
Irton, S.
Irving, J.
Jackson, Sergeant
James, Sir W. C.
Jenkins, Sir R.
Jermyn, Earl
Jervis, S.
Jones, J.
Jones, Captain

Kelly, F.
Kemble, H.
Kinnaird, hon. A. F.
Knatchbull, Sir E.
Knight, H. G.
Knightly, Sir C.
Knox, hon. T.
Lascelles, hon. W. S.
Law, hon. C. E.
Lefroy, right hon. T.
Lennox, Lord A.
Liddell, hon. H. T.
Lincoln, Earl of
Litton, E.
Lockhart, A. M.
Long, W.
Lowther, hn. Colonel
Lowther, Lord
Lowther, J. H.
Lucas, E.
Lygon, hon. Gen.
Mackenzie, T.
Mackenzie, W.
Mackinnon, W.
Maclean, D.
Mahon, Lord
Maidstone, Lord
Manners, Lord C.
Marton, G.
Mathew, G. B.
Maunsell, T. P.
Meynell, Captain
Miles, W.
Miles, P. W. S.
Miller, W. H.
Milnes, R. M.
Monypenny, T.
Mordaunt, Sir J.
Morgan, C. M. R.
Neeld, J.
Neeld, John
Nicholl, J.
Noel, hon. W. M.
Norreys, Lord
Ossulston, Lord
Owen, Sir J.
Packe, C. W.
Pakington, J. S.
Palmer, R.
Parker, M.
Parker, R. T.
Parker, T. A. W.
Patten, J. W.
Peel, rt. hon. Sir R.
Peel, J.
Pemberton, T.
Perceval, hon. G. J.
Pigot, R.
Planta, right hon. J.
Plumptre, J. P.
Polhill, F.
Pollock, Sir F.
Powerscourt, Lord
Praed, W. T.
Price, R.
Pringle, A.
Pusey, P.
Rae, right hon. Sir W.
Reid, Sir J. R.
Richards, R.
Rickford, W.
Rolleston, L.
Rose, right hn. Sir G.
Round, C. G.
Round, J.
Rushbrooke, Col.
Rushout, G.
Sanderson, R.
Sandon, Lord
Scarlett, hon. J. Y.
Shaw, right hon. F.
Sheppard, T.
Shirley, E. J.
Sibthorp, Col.
Sinclair, Sir G.
Smith, A.
Smyth, Sir G. H.
Somerset, Lord
Spry, Sir S. T.
Stanley, E.
Stanley, Lord
Stewart, J.
Stormont, Lord
Sturt, H. C.
Sugden, Sir E.
Teignmouth, Lord
Thomas, Colonel H.
Thompson, Alderman
Thornhill, G.
Trench, Sir F.
Vere, Sir C. B.
Verner, Colonel
Vernon, G. H.
Villiers, Lord
Vivian, J. E.
Waddington, H.
Walsh, Sir. J.
Welby, G. E.
Witmore, T. C.
Wilbraham, hon. B.
Williams, R.
Williams, T. P.
Wilmot, Sir J. E.
Wodehouse, E.
Wood, Colonel T.
Wood, T.
Wyndham, W.
Wynn, C. W.
Yorke, hon. E. T.
Young, J.
Young, Sir W.

TELLERS.

Freemantle, Sir T.
Baring, H.

Paired off.

NOES.	AYES.
Ashley, hon. H.	Buller, E.
Bagot, hon. W.	Paget, Lord A.
Bailey, J. jun.	Ellice, Captain A.
Barneby, J.	Molesworth, Sir W.
Blakemore, R.	Conyngham, Lord
Blandford, Marq. of	Macnamara, Major
Bolling, W.	Turner, W.
Burdett, Sir F.	Cave, R. O.
Campbell, Sir H.	Campbell, W. F.
Cartwright, W.	Anson, Sir G.
Crewe, Sir G.	Walker, C. A.
Davenport, J.	Fort, J.
Douro, Marquess	Duncan, Lord
Dick, Q.	Smith, J. A.
Egerton, Lord F.	Chalmers, P.
Follett, Sir W.	Ponsonby, hon. C.
Grant, hon. Colonel	Wemyss, Captain
Goring, H. D.	Lynch, A. H.
Granby, Lord	Maher, J.
Johnstone, H.	Aglionby, Major
Jones, W.	White, L.
Kelburne, Viscount	Sharpe, Gen.
Kerison, Sir E.	O'Brien, C.
Kirk, P.	Power, J.
Marsland, Major	Blewitt, R. J.
Master, T. W. C.	Wrightson, W. B.
Maxwell, hon. S. R.	Talbot, J. H.
O'Neil, hon. General	Fitzsimon, N.
Palmer, G.	Acheson, Lord
Perceval, A.	Rippon, C.
Pollen, Sir J. W.	Handley, H.
Powell, Colonel	O'Connell, Maurice
Praed, W. M.	Speirs, A.
St. Paul, H.	Fitzalan, Lord
Tennent, J. E.	Evans, Sir De L.
Tollemache, hon. F.	Dundas, Sir R.
Trevor, hon. G. R.	Colquhoun, Sir J.
Tyrrell, Sir J. T.	Brodie, W. B.
Wynn, Sir W. W.	Hallyburton, Lord

Absent.

MINISTERIALISTS, 17.

Benet, J.
Berkeley. hon. G.
Edwards, Sir J.
Euston, Earl of
Ferguson, Sir R.
Heathcote, Sir G.
Heathcote, G.
Howard, Sir R.
Lennox, Lord G.
Moreton, hon. A. H.
Pease, J.
Protheroe, E.
Pryse, E.
Stewart, J.
Surrey, Earl
Wilde, Sergeant
Wilkins, W.

CONSERVATIVES, 7.

Attwood, W. (abroad)
Blackburne, J. I. (ill)
Duncombe, hon. W.
Goddard, A.
Hamilton, Lord C. (abroad)
Ker, D. (ill)
Wall, C. B.

HOUSE OF LORDS,

Tuesday, June 25, 1839.

MINUTES.] Petitions presented. By Lord Skelmersdale, and the Bishop of Exeter, from several places, against the Government plan for National Education.—By the Bishop of Lincoln, from several places, for Protection to the Established Church.—By the Bishop of Exeter, from one place, against the Church Discipline Bill; and from several places, against any further Grant to Maynooth College.

UNIFORM PENNY POSTAGE.] Earl *Radnor* rose to present forty petitions from Jersey and other places, in favour of an uniform Penny-Rate of Postage. The noble Lord said, that great anxiety prevailed in the City of London and the Manufacturing Districts of the Country, to know what were the plans of the Government on this subject. The resolutions to be proposed in the House of Commons not having been yet declared, and there having been no application for a Bill, the Petitioners were afraid that the Government would not have the necessary powers to carry the plan into effect for some time, and that it might be deferred for another year and a-half.

Viscount *Melbourne* said, that undoubtedly it was the intention of the Government to carry into effect the plan referred to by his noble Friend, considering how it had been recommended, the strong interest it had excited, and the benefits and advantages that unquestionably belonged to it, with all practicable speed. His noble Friend was aware, that the introduction of this plan would make so great a change, that much preparation was absolutely necessary. He had understood that his right hon. Friend the Chancellor of the Exchequer had in another place given notice that he should bring forward this question at no very distant day. The House and also the public would then be put in possession of the intentions of the Government on the subject of the measures they intended to take; and he thought it would be more convenient not to enter into any discussion at present. At the same time he could state that the Government meant to adopt measures in the present Session of Parliament that would give them all power necessary for making the preparations required for carrying out this plan.

THE BALLOT — UNIVERSAL SUFFRAGE.] Earl *Stanhope* rose to present several petitions in conformity with the notice he had given to their Lordships in favour of Universal Suffrage and Vote by Ballot, particularly one which though signed only by the chairman, was unanimously resolved on at a public meeting, consisting of 300,000 persons, in Lancashire, and from the number of the persons who had adopted it, and the prayer it contained, it ought to receive the attentive consideration of their Lordships. The Chairman of that meeting was a person for whom he entertained the greatest private friendship and regard, and who from his patriotism and public spirit was entitled to the admiration of his country—he meant one of the hon. Members for Oldham, Mr. John Fielden. The prayer of the petition was, that every male person unconvicted of crime should have a right of voting for the election of Members to serve in Parliament; that such vote should be taken by secret ballot; that no Parliament should continue longer than a year; that all property qualifications of Members should be abolished, and that due remuneration should be made to Members for their labour. He had formerly told their Lordships that it was his firm conviction, that unless Parliament redressed the grievances of the country, the arguments for reform in Parliament would be unanswerable, and he need not observe to their Lordships that his anticipations had been fully confirmed. He knew that it had been said on his side of the House, that the French revolution of July was the cause of English reform; but that appeared to him to be only one of those common errors of considering as cause and effect two matters that were wholly unconnected. We had not experienced in this country that infraction of constitutional rights which had occasioned and justified the French revolution; but, on the other hand, the French had not suffered from that grievous distress with which this country had been inflicted in the course of the same year, and which had been so forcibly and feelingly represented to Parliament in the numerous petitions laid on their Lordships' table in the course of that Session, many of which he had the honour to present. The real cause of that extensive English distress had been most correctly stated by a person who had the sagacity to detect it, and the candour to avow it, by one who was and is still a zealous reformer, who was a former Member of the Cabinet, and who had declared that without Peel's Bill we never should have had reform. Undoubtedly without that great and general discontent, which was engendered by the grievous distress that naturally and necessarily resulted from that edict of confiscation, for it could be designated by no other name, this country would not have been prepared to receive, or disposed to allow an experiment to be tried on the constitution, so extensive in its nature, and so perilous in its effects. Before the Reform Bill was proposed, and when a Reform Cabinet must have been considered as a most improbable, and almost impossible contingency, a petition had been adopted at a great public meeting in Kent, for reform in Parliament, founded on proper principles and prudently conducted. Such a reform would have been good, but the Reform Act which passed, was not founded on true principles, and had been carried by clamour and agitation. Had he not been impressed with the dangers of the country, had he not found that Parliament had refused to inquire into the cause of the grievances of the country, or to the remedies which they required—had he not felt that the *salus populi* was the *Suprema lex*, he would not have voted for the Reform Act, such as it was [as we understood the noble Earl]. He was struck with a remark of the hon. Member for Birmingham, (Mr. Attwood), who said on one occasion,

> "I am considered a man of extreme opinions, but I have become so in consequence of the system followed for the last twenty years, and I should not have been so had Mr. Pitt lived to preserve and protect the prosperity of the country."

And would have continued to preserve it; but when he died, there was no man left to fight its battles. He (Lord Stanhope) had voted for the second reading of the Reform Bill, because he felt its expediency, but by admitting its principle, he did not consider himself pledged to its details. It was his intention to have proposed certain resolutions in the committee, but when the bill had been read a second time, and when a noble and learned Lord, not now in his place, proposed some not very important alterations in the committee, what had been the result? Why, it was intimated, that if any change were made in the bill, such a number of peers would be created, as would be sufficient to carry it in its original form, and thus the independence of the House of Lords would have been swamped. That was a threat which, in days of constitutional purity, would have been followed by the impeachment of the Minister who gave such advice to his Sovereign. Yet, even if the threat had been acted upon, and the new peers had been created, he believed that the peers would still have been able to assert their independence; for though the prerogative of the Crown to create peers would have been admitted, yet if a number were created for political purposes, he was of opinion that the peers already existing, would be justified in refusing to sit with them. He said this, lest the example should be followed by any future minister. He was in the House when it was proposed to postpone the consideration of Schedule A., and he saw no ground for postponing it; but, when he heard of the threat to which he alluded, he did not vote at all, because he could not support those from whom that threat came. Let him now call the attention of their Lordships to the resolutions of Mr. Pitt in 1782. They had for their object the prevention of bribery and corruption, and the lessening the expenses of elections; but since then bribery had increased tenfold. Could their lordships, then, be surprised that the call for the ballot had become general in the country? Could their Lordships doubt that there were many in the country who possessed abilities, and integrity, and patriotism, which would render their services of the utmost importance to the state? Yet these men were kept away by the enormous expenses of the elections, and had no chance of coming into Parliament, unless they attached themselves to some party, or came in in the train of some political leader. It was not his wish to disparage any one class, but he would not give to any one class a power exclusively, which should be shared by all. The line drawn in the Reform Bill of the 10*l.* franchise, was partial and arbitrary. It swamped all above that amount, and excluded all below it, and created discontent and dissatisfaction to all but the favoured class. It was perfectly clear, that such a system of representation could not possess that finality which its advocates thought it should have. When their Lordships considered what was the composition, what the character, and what the conduct of the House of Commons, could they be surprised that they had lost—or rather, that they had never possessed, the confidence of the people, and that they had now fallen into—he would not say merited contempt. If any one had any doubts of this, let them call a meeting in any district thickly peopled, and let them, with the aid of their satellites, try whether they could raise again the senseless cry of "the bill, the whole bill, and nothing but the bill," and they would be disappointed. He was aware that many attempts had been made to extend the principle of the Reform Act, but any measure which would enable one class to swamp all above it would be bad, and would be only a stepping stone to universal suffrage. His opinion upon that question he would state in a very few words. He objected to it on this ground, that it would give to that class which had the majority, a preponderating power, such as could not be possessed by any one class, without great injury to the rest of the country; and if this power were possessed by that class which had in itself the physical force of the country, property would remain without that protection to which it was entitled. He had stated his opinions on this question frankly and freely to some members of the convention assembled in London, but though he was opposed to universal suffrage, in the sense in which it was usually understood, yet no man would support more strongly than he would, the right of the labouring class, and, indeed, of every class, to be represented in Parliament; but in this he did not mean more, than that each class should be fully represented, not collectively, but in classes, so that there would be no danger of one class being swallowed up or swamped by another. He would support any kind of reform which did not embrace this principle. As to the ballot, he fully agreed in a remark made by the noble Lord the Secretary for the Home Department, in an address to his constituents, that it would not be safe without a great extension, the noble Lord might have added, the greatest extension—of the franchise. If not, he could not see how the trust could be well exercised. Without this, it was liable to all the objections made to it by the rev. Sidney Smith, which he would not then repeat. Another prayer of some of the petitioners was, that a property qualification of Members might be dispensed with. It was well known that many of these were fictitious. The payment of Members was in strict accordance with the ancient usage of the Constitution, but he thought it might be left optional to Members to refuse or accept it. As to annual Parliaments, he thought it was absurd. One effect would be that it would prevent legislative measures from being duly matured; but, though he disapproved of annual Parliaments, yet he was favourable to triennial, accompanied with some measure to render elections less expensive. No man, he repeated, was more anxious than he was for a full representation of all the labouring classes,—they were a most meritorious body. It could not be denied that labour, which was a species of property, had as full a right to be represented in Parliament as any capital, whether vested in land or in the funds. If a man had no rights derived from property, he had personal rights, which ought to be respected and represented. If he had had any doubts on this subject, they would have been removed by the Poor-law Amendment Act, which was one of the most infamous laws that had ever disgraced the statute-book of any country, and which could not have been passed in any Parliament in which the labouring classes were fairly represented. They had also been much injured by free trade. The sorrows of the labouring classes would have secured the sympathy of that House in which they were fully represented, and their welfare would have been the object of its unceasing solicitude. Their Lordships, before he concluded, would allow him to entreat them to consider for a moment the present condition of the people, to abstract their thoughts for a few moments, if they could, from parties, and from those considerations which alone insured a numerous attendance in that House, and to contemplate the present condition and prospects of the country. He asked and entreated their Lordships calmly and dispassionately to consider what was the cause of that cry which had been raised in so many parts of the country for universal suffrage? what were the causes of that agitation which was unexampled in its extent, and in the character which it had assumed, as well as in the consequences to which it might lead? whence did it arise that in various districts, and even in some of those which were purely agricultural, arms had been provided, as if the country were preparing for civil war? And here he need not, he thought, assert that he had always disapproved of such conduct, considering it as most injurious to the cause which it was intended to advance. He considered the employment of arms the *ultima ratio*, that could lead only to one or other of most melancholy alternatives—either to universal anarchy, or to most deplorable despotism. Nor did he believe that obtaining arms could add anything to the strength of those who were unaccustomed to their use. But they knew that when rage, resentment, and revenge, inflamed the minds of the people, *furor arma ministrat.* But "great was truth, and it would prevail," and he could not entertain any shadow of doubt that persevering powerful exertion of moral force would, in a righteous cause, prove ultimately triumphant. No man could contemplate without anxiety, and even without alarm, that state of things in which, according to the confession made by the noble Viscount he saw opposite (Viscount Melbourne), in many parts of the country the inhabitants believed that they had, even at present, no security for their property, nor for their lives. He had, with a sincere and anxious desire to acquire information on the subject, asked those who were best able to instruct him, and were cognizant of those proceedings, what were the causes that the people in so many districts had provided themselves with arms? and the answer that he had received was this:—"That the first cause of the arming was, the New Poor-law; the second cause was, the desperate condition of the hand-loom weavers; the third cause was the disgraceful situation in which the factories continued; and the fourth cause (hardly to be considered as a subsequent cause, but as a corollary) were the principles of the Government." Might he remind their Lordships (if any expresssion which fell from an humble individual, one entirely unconnected with any party, could deserve their attention) of what he had the honour of stating to them two years ago, when he was induced, at the earnest desire, and by the express command of great bodies of his fellow-citizens, to resume his seat in that House, from which he had so long seceded, from a full conviction that any exertion he might make must be unsuccessful? He had stated to their Lordships, that "unless they repealed the New Poor-law, the infallible consequence must be, universal suffrage and a partition of government." He would not quote any Radical authority, which might have less weight, probably, than it might deserve; he would quote the sentiments which were to be found in a work conducted with eminent ability, and in a high Church of England spirit—the *Church of England Quarterly Review*. In an article in that review for January, last year, called "The Working of the New Poor-law," the author said

> "Let our Whig rulers have a care. If existence is indeed to be made a burden to the poor, Bradford may have its barricades as well as Paris. There will be but one cry all over the country which Heaven itself will echo back, for universal suffrage. This awful consequence, with all the ruin which it involves, we charge upon the New Poor-law Act."

And again, in the same passage, the author said

> "The heart that is withered by persecution obtains an awful emancipation from the ordinary restraints of human action, and when one-half of the population is rendered liable to that extremity, what is to be expected but that the physical energies, inadequate to lay by a subsistence for old age, will, in the prime of life, take a destructive direction? Every drop of blood that will be shed we charge upon the New Poor-law Act."

He saw, alas! too much reason to expect that, at a future and no distant period, a Radical Reformer—perhaps some Chartist—would exclaim, with joy and exultation, quoting the expressions of some former Cabinet Minister to whom he had referred—"Without the new Poor-law we never should have had universal suffrage." And here he would entreat their Lordships, by way of judging fairly and justly, to consider and suppose for an instant, that instead of being placed in the elevated and independent situation in which they were, every one of them might, without any fault of his own, be subjected to the operation of this most odious act. Let them suppose themselves assembled and listening to a person who had addressed them on universal suffrage. Would they not say to themselves—"We are not represented in Parliament, and Parliament, therefore, had no lawful authority whatever to pass a law so affecting our interests and our rights. We have been reviled and calumniated; we have been stigmatised as indolent, as worthless, as living by the support of others, instead of by our own industry, and we have not had the opportunity and advantage, of which no man should be deprived, of being heard in our own defence. Our natural rights—those rights of man which ought always to be held sacred—have been violated and trampled under foot. We have been sacrificed by what is called an Act of Parliament, and dispossessed of those rights which we claim under a positive statute, existing for more than two centuries. And now we are insultingly told, that 'we may rely upon our own resources.' We have been consigned to the absolute, uncontrolled, irresponsible power of three dictators, whose arbitrary mandates, whose orders, have all the force and authority of law. Although our poverty has resulted from causes over which we have no control, our adversity is punished as crime. If we apply for relief, we are confined and separated from our wives and children, and removed to a distance from our families and our friends. The precepts of that religion which we all of us value, and of that book which we regard as the word of God, and which enforces more frequently and more forcibly the virtue of charity than any other, have been utterly disregarded. We are told, and truly told, that universal suffrage would be the cure of these evils (and such would certainly be the case), and shall we object to a cure so beneficial to ourselves because the consequences may be, that the Peers may lose their titles, and certain landed proprietors be injured?" If such an appeal as that were made by any advocate of universal suffrage to any hand-loom weavers, must not that appeal be attended with serious consequences? If an honest and industrious man, by the greatest exertion and toil, by all the skill and talents he possessed, was obliged to labour for a greater length of time than that to which human labour ought ever to be extended, to which it could never be extended without injury to the labourer, and if the remuneration for that toil was to be, as it was in many cases, quite insufficient, was it natural to expect that he should be satisfied? Let them look to the factory system, by which unnatural system children, instead of being supported by their parents, supported their parents, and, ignorant and uninformed, knew nothing of the charms of childhood, and became disabled and prematurely diseased; and when they heard about the merits of the British constitution, and of the enlightened and patriotic Assembly which called itself the House of Commons, let them recollect—

The Earl of *Devon* rose to order, and deprecated such allusions to the other House of Parliament.

Earl *Stanhope*, in order to make what he had said with regard to the House of Commons palatable, had called it "enlightened and patriotic," perhaps ironically; he would call it unenlightened and unpatriotic, and let that be the correction of the noble Earl. He would even suppose, that no such Assembly existed; he thought such an Assembly hardly deserved taking notice of. An act which had been passed by an arbitrary government of Spain for the protection of negro slavery was not so severe on the slaves as the Factory Act was on factory labourers. The labourers claimed a fair day's wages for a fair day's work—a claim perfectly fair and reasonable, and to which they must listen, except they were determined to produce scenes in the country to which he would not venture more particularly to allude. And here he would quote again, not a Radical authority, but the authority of a right hon. Friend whom he greatly revered, but who, so far from being a Radical, was in common with himself an old-fashioned Tory—he meant his right hon. Friend, who, to the eternal disgrace—he did not say of the House of Commons—the noble Earl need not be under any apprehension—of the electors of Leeds, was not elected to represent that place—he meant Sir John Beckett. He said, in a speech delivered at Leeds, as reported—

> "I say that peace at home means contentment at home, and unless we can establish such a system of things as will afford men a fairer remuneration for their labour, and enable them to maintain themselves and their families in comfort, there can be no peace at home, there never will be peace at home, and there never ought to be peace at home."

Such a fair and profitable employment as that of which Sir John Beckett spoke, was impossible so long as they persevered in a ruinous-system of free-trade, so long as they persevered in the Currency Bill; and, let them do what they would, a very short time would probably elapse before they would be compelled to retrace their steps on that subject, except they were determined to doom this country to bankruptcy and ruin. He conjured them to consider, as they ought to do, the state and condition of this country, and the spirit and feeling of the people. Let not their Lordships be deceived: a revolution of the most tremendous and terrific nature—most destructive and desolating in its consequences, was now at the threshold of their doors; even now, at the twelfth hour they might be able to avert it. But he knew, that neither in nor out of Parliament, if that revolution broke out, would any one be able either to direct or to control the storm. Whatever might be the result of that revolution, it would afford him sincere consolation to the last hour of his life to reflect, that he had zealously, though imperfectly, endeavoured to discharge his duty; and that he had earnestly, though he feared most ineffectually, endeavoured to warn their Lordships of the perils by which this country was encompassed on all sides, and of those grievances which, if allowed to continue, menaced their Lordships, all the institutions of the country, and even the Monarchy itself, with destruction. He had now stated, at more length probably than their Lordships liked, as concisely, however, as was in his power, some of the observations which appeared to him to be requisite. He had passed cursorily over many parts of his subject, though they deserved, and ought to receive full and frequent investigation. Having stated thus much, he would conclude, reserving to himself, with the permission of their Lordships, the right and privilege of hereafter replying, if he should find it requisite to do so, to any observations which might be made.

Lord *Brougham* was quite certain of one thing, that if the noble Earl, who had so elaborately supported the prayer of the petition, had not prayed their Lordships' attention to it, that their Lordships would have received it with that attention, and they would permit him to add, with that respect and consideration, with which they were ever ready to greet the respectful prayer of their countrymen. The importance of the subject, the vast meeting at which one of them was agreed to with a singular unanimity, he meant the Manchester meeting, at which there were 300,000 persons present; the great assent given in other parts of the country to the proceedings at that meeting, the anxiety which prevailed over all the manufacturing districts, without any exception, but particularly in the north and in Scotland, on this subject, and the countless numbers who had signed other petitions elsewhere, presented precisely to the same effect, and proceeding on the same grounds; the yet greater number than had even signed these petitions, that there was reason to believe agreed in their prayers, he was perfectly certain would, even if his noble Friend had not recommended the petition by his statements and arguments, have secured for the petitioners their respectful attention. He might differ, in some things, from his noble Friend, and he might have his doubts on others, but upon the whole he was disposed to agree with him. On one part of the subject, he had no doubt whatever—viz., the unrepresented state of the petitioners. But was that a consideration which disentitled them from being heard by their Lordships? No; it set the seal to the charter which entitled them to be heard, and to have their statements considered. These persons were unrepresented, and why? It was the painful duty of those who framed the Reform Bill, 1832—a duty which was felt to be painful by those who helped to carry through the measure, that a line must necessarily be drawn somewhere; that, subject though it might be to be called partial and arbitrary, as his noble Friend had called it, yet it must be drawn; that it was both convenient and fitting to draw it where they did; still they felt it most painful to draw that line, because they knew it must cut out and leave unrepresented the great bulk of the good people of these realms. They made, therefore, a property qualification, though they well knew that men who might have no title to the given amount of property might still be as well qualified to exercise a vote for the benefit of the State as the 10*l.* householder. He said for the benefit of the State, for that was what he looked to; the franchise was given for the public good, not for private gain—it was not like the right of property, and it might very likely be exercised even better by persons possessed of no property at all, but having certain mental and moral qualifications, than by many of those who, possessing a 10*l.* house, possessed no other qualification. On the other hand they felt, in framing the Reform Bill, the great evils of boundless meetings of electors, and of the expense to the candidate. There were also other views, from some of which he disagreed, while he assented to some. It was not true, that those who carried the Reform Bill stated that measure to be a final measure; it was not true, that all the advocates of the bill admitted its finality; it was the reverse of true, that all the advocates of the bill in 1831 and 1832 contended, that such a measure was not to admit of alteration. It had been said, however, that in the view of the Government of that day, the measure was to be permanent and unalterable; and speeches made in their Lordships' House and elsewhere had been brought forward in support of the assertion. But this could no longer be done now, that he said thus solemnly that this was not true, that it was not consistent with truth so to state or recount. He spoke with full recollection of what passed at the time; he spoke as a Member of that Government, and with a full and accurate knowledge and recollection of the terms which one of the Members of that Government used; the individual was personally humble enough, that it mattered little to him whether the opinions he then put forth passed, like other men's, into oblivion; the individual was humble enough in talent, humble enough in powers of usefulness, and might not possibly have had a title to claim attention, but for the high and dignified station in the councils of the Sovereign which he held—but for having had a hand in the bill—but for having been one of those who succeeded in carrying it through—but for having held a most distinguished station in the Government at that time, however little might have been the talents he possessed; he spoke as a Member of that Government, when he said that he had a right to rebut the charge which was made upon, and to ward it off,—to declare war against the barbarous word "finality," and say that the Government did not consider the Reform Bill as a final measure. As Chancellor in that Government, as framer of the bill, as knowing what were the views, expectations, and intentions of the Members of that Government, *quorum pars magna fuit,* he had made no secret of his own views in reference to the measure; he did say then, as he said now, that he had no doubt some advance must be made at some future period beyond the principles laid down in that bill, and he particularly stated, that before long, and as soon as the people became more enlightened as to their political rights, and better versed in the practice of them, he had no doubt it would become expedient, and he should not hesitate to extend the suffrage much lower—"much lower" was his phrase—than it was fixed by the bill. Therefore, they who said, that the Government which carried the Reform Bill attributed finality to it must, at least, admit, that finality was not the doctrine of all the Members of that Government. But though to have put forth the doctrine of finality then, when reform was given for the first time, and the people were so much less used to exercise the franchise, would have given much less offence than its promulgation at present, when it was looked upon as taking away from the people, that which they already were entitled to; yet now the doctrine appeared to be, that the more the people became able to exercise with propriety the right of suffrage, the more sternly you must refuse to admit them to an extended suffrage. It had become the doctrine—or rather it did become the doctrine, a few weeks ago, of the Government, that the stone on which their existence rested, was the determination to oppose all further constitutional reform. From this he had dissented in that House a-year and a-half ago; he had dissented from it out of doors at the great education meeting at Manchester, many of the Members of which had signed the petition which had been presented by his noble Friend; and he had dissented from it once more; for on finding that a noble Friend of his still continued to assert this doctrine in a pamphlet which his noble Friend had published, he had thought fit to address to his noble Friend his reply on the part of Reformers, and, as he had thought, on the part of his colleagues in 1832. He had done this because he thought it possible, that in this way he might be able to frame a bridge by which his noble Friend might have crossed and passed back again, as it were, into the same ranks as he (Lord Brougham) understood his colleagues of 1832 to belong to; and he was the more anxious and earnest to effect this, because, of all Parliamentary Reformers, he knew none more stout, naturally and by acquirement, than the noble person to whom he alluded had proved himself to be at that time in all matters and on all questions relating to the subject. But the vision which he must say he never hoped with any confidence to see arrive, *volvenda dies en attulit ultro:* for that answer of his—he spoke as a man and must correct himself, for it was not that alone, but that of the coadjutors in another place whom he found he had, who, not by force, but by intimations—intimations of that gentle kind which sufficiently show nevertheless, that they are of a practical kind, by being given on matters of a quite practical nature—in short, by that kind of hint which consists in showing, that you are in earnest, by voting in a certain direction,—the united force of the two together seemed to have produced the result, that the doctrine of finality had been abandoned, and the charming vision had been realized: he said this because they found that the ballot—disgusting as it was to some of her Majesty's Ministers, and fondly cherished as it was by others—had been made an open question. Great was the joy of the friends of the ballot upon hearing that this was to be the case; he himself was not without some surprise at the event, but at all events, he felt that he had contributed some little, by his letter, to effecting this change in the dispositions of her Majesty's Government. Such were the visions that passed before men's eyes, though but for a short time; for they were as fleeting as they were pleasing; or rather they were still more fleeting than pleasing; for then there came out, almost immediately, that which certainly did astonish, did astound, did petrify, did convert into tears of sadness the tears of joy which Reformers were shedding, when they found that the ballot was made an open question for the express purpose of defeating it. They, simple men, as they were, in their ignorance of statesmanship and cabinetship, and the ways of a Ministry, getting in and getting out of office, and the various intricate subtleties of Parliamentary tactics—they, in their gross dark, ignorance, thought, that if forty or fifty persons connected with Government, and who had hitherto voted against a particular question, or abstained from voting on it at all, were told that they were at liberty to vote for the question, it was probable some slight increase would be made to the minority. How could they—single-minded, simple men as they were—how could they arrive at the recondite conclusion, that to be in a minority was better than to be in a majority, how could they come to the conclusion, that to be in a minority, was better than to be in a majority, even if it were but a majority of five? Or even if it were only a majority of two, as sometimes majorities were? They, however, had the simplicity to think, that if the minority should be changed into a majority—no unfrequent case with minorities of two, then the ballot would be carried. "But, oh!" said the Government, "a majority is nothing; its a minority that's the thing; we have the confidence of the country with us; we are as permanent as ever, if not in our places, at least in our policy and in our doctrines; and as for the ballot, why above all things we abhor the ballot, and because we abhor the ballot, and cannot bear the idea of its exercising its baneful influence over the minds of the people, we have issued notice to all the people in office, that they have leave to vote for the ballot, and we do this because we know that if we continue to resist the ballot it will inevitably be carried." That was the doctrine which the Government had broached. If the Government did not come into this doctrine of minorities; if they were agreed to come into this doctrine, that finality should be declared to be given up, while in reality it was clung to more than ever, then he said this was a line of conduct which seemed to him too subtle, and one which did not savour of plain, straightforward dealing, and he could not but think, that those who left the question open ostensibly for the purpose of advancing it, but really with other intentions, would find themselves in the event strangled by the fondling of the sincere advocates of it; they would find, that the very mode they took of professing their affection, their very Iscariot embrace itself, would prove the reason why in a short time, perhaps even within a few days, they might be put out of the position to give such an Iscariot embrace a second time. In fact, he had been a little uneasy lest this might not be the last act of finality for which he and those who thought with him might have to thank the Government, for he thought that it was not impossible before many weeks, or even many days, were over, he might have to thank them for something which left a man in doubt whether it was meant ill or well, but for something or some step of a more beneficial character. But, leaving this part of the subject, he would come to the question of the extension of suffrage. He thought, then, that all should have the right to vote who possessed such qualities as would enable them to exercise it creditably to themselves, beneficially to the State, and usefully to the proper constitution of the Commons House of Parliament. He cared not if the franchise were taken away from others who now enjoyed it, provided they extended the right in the directions he had indicated; for instance, he would not object to taking it away from some of the freemen, and from some of the 10*l.* householders who had shown themselves not qualified to exercise it. He was persuaded that those who led a creditable industrious life, and were intelligent and well-informed, were qualified to exercise the right, and that such persons would exercise it as a public trust in a manner creditable to themselves, beneficially to the State, and usefully as regarded the constitution of the House of Commons. This was his opinion as to the extension of the franchise; but as for giving the ballot, if not accompanied by an extended suffrage of this kind, what was it but to vest those who could not be entitled to vote at all except they voted in the eye of their fellow-citizens, with an unlimited power in the direction of Government? At present voters in general, but especially those classes, exercised a public duty, exercised a public trust which they could not exercise privately, any more than they could exercise it agaist the will of those who domineered over them. But if the suffrage he advocated were given, there would be no fear, or but little fear, of abuses of this kind. If it were not given—if no such extension of the franchise took place, but the ballot were given alone, then he said that they would deprive the honest, industrious, respectable day labourer of that degree of influence which he at present exercised indirectly over the constituency in which he happened to be placed. Give the secret mode of voting alone, and this man would exercise no more influence indirectly over his fellow-citizens than he did directly. This was the ground on which he agreed with his noble Friend opposite in wishing for an extension of the suffrage. But the ballot without universal suffrage he was convinced would be injurious. With respect to the questions of the payment of Members of Parliament, and of a property qualification of Members, he should make no remarks, holding that, in comparison with other parts of the wants of the petitioners, they were so insignificant as hardly to deserve notice at present. As to the question of the continuance of Parliaments, he would not consent to take annual Parliaments, because till some method was taken to diminish the expenses of elections, he well knew that, constituted as men were, annual Parliaments would wholly defeat the object of instituting them; for that system would operate exclusively in favour of a long purse, carrying, as a long purse always would, a long line of agents with it. The wealthy merchant, the successful stock jobber—men who counted their fortunes by the hundreds of thousands, and sometimes by the millions even—would be the men who would get into Parliament as Members. In connexion with this, he could not but mention that he considered the present system of annual registration to be accompanied by certain drawbacks, for under it they had some of the evils of an annual election without the advantages. That was unquestionable. On the whole, a triennial election of Members appeared to him to be that system which met the greatest number of wishes, and reconciled the most difficulties. It was quite certain that the conduct of the first, and of the last Session of every Parliament was very different. The best proof that could be given was, that we never saw the civil list passed in a new reign until after the Old Parliament was dissolved and the New Session begun. Why was this? It was not necessary, nor was it the more respectful course towards the Sovereign, that the Civil List should be delayed till the opening Session of the New Parliament. A grant of 70,000*l.*, he understood, had been voted in another place for a set of new stables at Windsor Castle. It was very unlikely that a sum so enormous would have been given by a House of Commons about to render an account to its constituents, as it were on its death-bed. He mentioned this fact to show the difference between a death-bed vote and a vote passed in the full vigour of life and health, and as a good proof that the shorter the duration of Parliaments was made, so that they were not made short enough to lead to universal and endless expense, the better would it be for the people, and the more wholesome for Parliament itself. On the rest of his noble Friend's speech he would not comment further than to say that some facts had been misrepresented by him, he was sure, unintentionally. He was astonished that his noble Friend, speaking of something which he supposed to have taken place in 1832, had used language which seemed to countenance the notion that that House had a right to resist any accession to its numbers. Surely his noble Friend did not mean to say that they could prevent a Peer from taking his seat after his creation. The House knew that the form of procedure on such occasions was merely this—that the individual appointed came to the table of the House with a charter from the Crown, and the clerk, if he refused to read it, was liable, as he believed, to a considerable penalty. His noble Friend had also declared that threats had been held out to that House during the discussions on the Reform Bill of swamping the independence of the Peerage by a very extensive creation. Now he had the most distinct recollection that not one Member of the Administration at that time had either used unbecoming language to that House, or touched upon the indecorous topic broached by his noble Friend, or even opened his mouth in any way upon the subject. The matter took a totally different turn. A certain number of individuals had thought fit, for particular reasons, no doubt satisfactory to themselves, to absent themselves from the service of that House, and had made it unnecessary to make any such proposal as that pointed at by his noble Friend, even if Ministers had been disposed to make it, which they were not. He was sure that, if it had been necessary eventually to take such a decided step, the first intelligence their Lordships would have had of it would have been the arrival of the new peers in the House to take their seats. It was a great mistake to suppose that one threat had been held out.

Earl *Stanhope*.—I was present in this

House when the threat I mentioned was used, and that in the most distinct and unequivocal language.

Lord *Brougham* :—By whom?

Earl *Stanhope* :—By the noble Earl then at the head of the Treasury.

Lord *Brougham* was sure his noble Friend was the last man in the world to state any thing he did not believe to be true, but he had the most distinct recollection of every thing that passed, and not only had his noble Friend then at the head of the Government not said so, but from the course the thing took it was impossible he could have said so. To pass from that subject, however, he could not help thinking that his noble Friend had been a little too harsh upon the other House of Parliament. He did not think it was right to say, that they had fallen into universal and merited contempt; this was language which ought not to be used towards the other House, even if it were true.

Earl *Stanhope*:—Those were not my words. I said, they had never enjoyed the confidence of the country, and I added, "I will not say they have fallen into universal and merited contempt."

Lord *Brougham*:—Oh! that is just one of the ways of saying that they have fallen into contempt. If such a thing could be said out of doors, and if an indictment were in consequence brought against the party saying it, the indictment would run thus:—"That he did then and there use the words, 'I will not say that they have fallen into universal and merited contempt,' meaning that they had fallen into universal and merited contempt." He did not think that House had merited this contempt, or that so much should be said against them. Every sort of opinion was represented in that House, but was seldom expressed with much force one way or the other. Instead of a good working majority, Government had no more than the respectable majority of two; instead of a good, earnest, downright opposition, their opinions on all subjects were so mild, as hardly to be well distinguishable from those which they opposed. Certainly their opinions were any thing but dogmatical; the representatives of the people seemed to be so much overwhelmed by the difficulty and importance of the subjects that came before them, that they rarely ventured to give an opinion upon any, but decided every disputed question upon the narrowest possible grounds. If 180 was a better majority than 216 upon the ballot, however, then, by a parity of reasoning, a majority of two was better for a Government, than a majority of two to one. But the very respectable body, which, though it appeared to have no mind of its own, had so irritated and inflamed the mind of his noble friend, should be more mildly dealt with. He was glad his noble Friend had entered at large into the subject of the petition, for certainly the statements contained in it deserved the full, ample, and deliberative consideration of their lordships. The petitioners spoke the sense of the vast, the overwhelming majority of the working classes, the universal opinion, without any one exception, of the unrepresented classes—those classes which were for secret voting, provided the suffrage were extended, but who, before all things, were bent to work out such an improvement in their political style as an extension of the suffrage would produce. He would not use the language of intimidation to their lordships; he would not say that he had the least dread of revolution, for he differed with his noble Friend opposite in thinking that revolution was advancing amain, and was at our gates already. He thought the reverse of this was true; he held that never were the people of this country more perfectly tranquil, and the proof of the fact was to be found in the little outbreaks that had taken place, where the spark had been flung and the fuel collected, and the fire had never spread an inch. All that had been done in town, all that had been done in the north, all that had been done more recently in the western districts of Scotland, only the more demonstrated to his mind that the really disaffected, the lovers of mischief, those who would break the peace for mischief's sake, or pursue objects of their own by unlawful means, formed a most scanty and insignificant body in point of numbers, a body miserable in point of respectability and honesty. This was his deliberate opinion; but, far from diminishing the claims of the petitioners to a respectable consideration of their wishes, that circumstance should rather incite their Lordships to take the earliest opportunity of acceding to the wishes of the petitioners.

Viscount *Melbourne* said: I do not much approve of these useless discussions—these mere excitations,—the conflict of argument and oratory—and certainly think them a departure from the ancient, earlier, and sounder, practice of Parliament, which, in general, confined those who presented petitions to a statement of the objects of the petition and any remarkable circumstances connected with it, as the peculiar respectability of the meeting at which the petition was adopted, or the signatures annexed to it. Considering, however, the nature of this petition, as described by the noble Earl who presented it, and also by my noble and learned Friend who spoke last, considering, also, the great bodies of men who concurred in the sentiments of the petitioners, the noble Earl was perhaps not much to blame for having dwelt at some length upon them. I certainly do not think that the opinions set forth in the petition prevail to such an extent as my noble and learned Friend has represented; I do not conceive that these are the opinions of the whole body of the labouring classes; but I am well aware that they are entertained by many in that rank of life, and are so sedulously inculcated by others who possess weight and influence with the working classes, that it is only a miracle they do not prevail to a greater extent. Nothing, indeed, surprises me more than the firm and steady good sense of the great majority of the people of this country, exposed as they are to the most violent representations, to the most severe temptations, suffering under great grievances, and told that the common cause of all their distresses is to be found in the mal-administration of the country, which might be very easily removed. Nothing surprises me more than the little impression made by these representations, and I only feel astonished that consequences a little more like those predicted by the noble Lord who presented the petition, are not produced by the continual excitement in which the nation is kept. But, considering the importance of the petition, the respect which is due to those classes whence it emanates, the momentous subjects to which it refers, I do not know that the noble Earl has acted wrongly on the present occasion, in going more at length into the matter of the petition than he might otherwise have done, and calling the attention of your Lordships to those topics pressed upon your consideration by the petitioners. I don't know that, if I were one of the petitioners —if I were one of those whom the noble Earl represents on the present occasion, I should be very well satisfied with the manner in which he has discharged his duty, because the noble Earl has expressly, in stating these matters to the House, avowed his disapprobation of every one of the measures sought for. Annual Parliaments are asked for. He disapproves of annual Parliaments. Universal suffrage is asked for. He disapproves of universal suffrage. Extension of the suffrage is asked for. He disapproves of extension of the suffrage, unless it be conducted on a particular principle, which when it comes to be explained will not, I apprehend, be very agreeable or suitable to the views of those whose views he undertakes to convey. If I understand what the noble Earl meant, he says that he wishes for an extension of the suffrage by giving the right of voting collectively, or by classes. [Earl *Stanhope:* In classes, and not collectively.] And that mode of proceeding would exactly establish those distinctions in the various ranks of society most contrary to the views of the present petitioners, and to the opinions which they generally entertained. It is not my intention to go, on the present occasion, into a discussion of the topics contained in the noble Earl's speech, even to the extent to which my noble and learned Friend has treated them. With respect to the opinions contained in the petition, I agree with the greater part of the views expressed by the noble Earl who has presented it, and to the arguments which he has urged I am content to leave them. Neither is it my intention to go into a history of the Reform Bill, which to a certain degree has been adverted to by my noble and learned Friend. Nor, again, shall I notice the doctrine of finality, further than to say that it is a term not to be found in the language, at least in any dictionary, and that I believe it was never held by my noble Friend, to whom my noble and learned Friend alluded, in the sense in which it has been understood, and in the sense in which it has been animadverted upon. It never could be meant or intended, that with respect to any bill or any human measure, it should be fixed, settled, final, and decisive, or incapable of any change or alteration. What was meant unquestionably by my noble Friend's statement was, that a measure of so solemn a nature should not be hastily or wantonly altered. But it never could be held, and, I am sure, never was held, by my noble Friend, or by any man, that any measure was incapable of change—that its defects were not to be mended, and the results of experience not attended to. For myself, I stand more particularly clear of the doctrine of finality; and, though it is not probable that your Lordships may recollect anything that fell from me, I beg leave, for my own satisfaction and vindication, and for the explanation of my own conduct, to recal to your memory some remarks which I made on the second reading of the Reform Bill in this House,—an occasion on which I delivered a speech, which was censured at the time, as not very friendly or decisive with regard to the measure which I advocated. I then made two statements for my own vindication, and to guard myself against future misconceptions of my sentiments. One was, that unquestionably the measure would fail to answer some of those anticipations then held regarding it; that it would not produce any of those advantages to which the parties to whom I allude then looked forward; that it would not introduce great changes in the state of society; that it would not do away with bribery and corruption, and that it would not free the electors from all influence. And the other statement I made most perfectly and distinctly was, that I was aware the measure could not stop there, and that it could not be final. I stated these opinions on that occasion, as wishing to lay the matter fairly and distinctly before your Lordships, and when I made them, I was certainly led to look to ulterior consequences. Therefore, in saying that I agree with my noble Friend who brought forward this petition in most of the statements which he made and in most of the opinions which he delivered on the measures recommended in this petition, I beg leave to add that I am against those measures, not because they are an advance on the Reform Bill, not because they go farther than the Reform Bill, not because they are steps towards further progress, but because they are bad and pernicious measures in themselves, and ought not, therefore, to be adopted. Unquestionably, it is not on any other more general grounds that I oppose them. I shall not now go into a consideration of those measures. Most of them relate to the other House of Parliament; and although unquestionably the privileges and proceedings of the other House of Parliament are subjects of so much importance, that it is not only competent to, but it is your Lordships' right and duty to pronounce an opinion upon them, yet, at the same time, I don't think there is any necessity wantonly to discuss these matters in this House until they are brought regularly and distinctly before us. On the ballot I shall say nothing. I understand that a motion has been made in the other House for the adoption of that mode of election. It has been negatived by a large majority, and it is not, therefore, likely that we shall soon have to consider it. I shall only say, that my opinion is adverse to secret voting, or to substituting secrecy for publicity in the mode of taking votes. But, my Lords, my noble and learned Friend has adverted to other matters sufficiently well understood, but which I do not know whether it is very regular to state, or to allude to distinctly in this House. Is there anything jesuitical (according to the assumption of my noble and learned Friend) in arguing on this matter in the manner to which he has referred? May not one person (I know not whether any person has so said) state, "if this question be fairly and freely discussed, without influence and without constraint, it will be sure to retrograde in public opinion?" A person who is in favour of the ballot may, on the other hand, urge very naturally this view: "Give it fair play, and it will be sure to advance in public favour." Is not that a natural state of feeling, and are not the recommendations to which I have alluded such as would be likely to be employed by those entertaining the opposite views which I have described? I don't at all agree in the former opinion to which I have referred; for I think what we have done with respect to the ballot gives that question a considerable advantage. I feel what my noble and learned Friend says to be true, that it is impossible to see this motion gaining a number of more votes without advancing it in public opinion, and giving it a greater chance of ultimate success. At the same time, in viewing the question from the other point, there is nothing that can in the slightest degree warrant my noble and learned Friend in visiting those who think in that way with the severe animadversions in which he has indulged. My noble and learned Friend has not said anything on the subject of open questions in general, and I shall not therefore in any degree revert to that subject. But I again repeat that I do not think that anything which has taken place bears the character which my noble and learned Friend has assigned to it. I was extremely glad to hear the noble Earl who opened this subject express the opinion which he did with respect to the advice given to the people to arm, for that advice to arm, in connexion with political subjects, in connexion with measures which are to be forced on the adoption of the Government and of the Legislature, though it may in form be legal, can be considered in fact as nothing short of a recommendation to rebellion. It can be viewed in no other light; it can have no other meaning; and at the same time that the noble Lord disclaims any participation in that advice, I must observe, that it has been given by persons for whom the noble Lord professes a high respect and regard, by persons of a respectable station in life, and from whom, therefore, other conduct, other feelings, other dispositions, and other modes of acting, ought to have been expected and looked for. My noble and learned Friend has remarked, with great liveliness and humour, on the state of the other House of Parliament, and on the narrow majorities that take place there. My noble and learned Friend was not always so hostile to small majorities; for he must recollect that the second reading of the first Reform Bill was carried by a majority of one. The equal division of an assembly is a possibility always on the cards—a contingency which may at any time take place. Whether this be an advantage or disadvantage, we are not precisely the tribunal to determine. We must decide by majorities, which, perhaps, after all, is not a very satisfactory mode of settling questions. But the imperfections of human nature force it upon us. God forbid I should say that a majority is always in the right. I have been for so long a period of my life acting with a minority, and I even now so often find myself identified with them, that my associations and feelings are all the other way. My prepossession, therefore, is, that a minority is generally in the right. But, however, the view of a majority must be held to be decisive from the nature of things, from the constitution of public assemblies, and from the mode in which public affairs are conducted. I do not deny, that there may be difficulties in the state of the country. I do not deny, that there may be matters which require our serious consideration in the existing condition of affairs; or that many of the views of those petitioners require to be calmly and deliberately investigated. But what I consider alarming, and what is the case in the present situation of this country, is the manner in which every man thinks he is justified in pressing his own opinions to an extreme. If a gentleman thinks we have not done right with regard to the currency—that we ought to have more 1*l.* notes, and that we should alter the standard of value of the legislature, and the Government do not accede to his views, he considers himself justified in rousing the people to put forth all their strength, and to push the whole thing to the utmost against the Government and the Legislature. It is just the same with the poor-law. Because we have passed a law for the reformation of great and enormous abuses, (a law which I have no doubt contributes as much to the comfort and happiness of those who are the objects of it, as it does to the welfare of the community, and to general economy and good government), why this is a grievance which justifies rebellion, armed resistance, and the very dissolution of the bonds of society. This is, in fact, pushing the doctrine of resistance, which I admit belongs to great and extreme cases, for the purpose of applying it comparatively to every small case, and doing that so happily and powerfully expressed by Mr. Burke, "making the extreme medicine of the constitution our daily bread". I don't know whether there is any other part of the noble Lord's speech, or of the petition, upon which it is necessary for me to make any observation; but I certainly greatly lament, (knowing the noble Earl's integrity and right feeling) the strong and bitter spirit in which he has spoken of the Poor-law Bill on the present occasion.

Lord *Brougham*—My Lords, with regard to what I said as to the ballot being made an open question, if the noble Viscount's explanation be true, nothing can be more obvious and natural, than that every person being allowed to vote as he pleased, it might be some parties' opinion that this would not advance the cause of the ballot. —[Viscount *Melbourne*—"That is not my opinion."] No; but what I commented upon was a very different thing. I understood that it had been represented by the Government elsewhere—not that I ever read the debates—perhaps I ought to be ashamed for saying so—but next to the pain of reading the report of a debate in which I myself took a part, is the pain of reading a debate in which I did not take a part—but it was stated to me that the Government represented, in the other House, that the object of making the ballot an open question, was to injure it. Now, as to the offensive expressions I am accused of having used—I meant no such offence. I certainly used a common form of speech—perhaps too carelessly employed—when a cause is supported, or pretended to be supported only to be in reality retarded. I certainly spoke of that traitorous personage generally alluded to on such occasions. Then, my Lords, I really am astonished to hear my noble Friend speak of my having been satisfied with the majority of one on the second reading of the bill; for I remember having said, on the following day, "Well, this majority means dissolution."

The Marquess of *Normanby* said, the Member of the Government (Lord Howick) who had used the expressions which had been commented upon, respecting the ballot having been made an open question in order to injure it, had distinctly stated that he spoke only for himself.

Lord *Brougham* remarked, that none of the noble Lord's colleagues had contradicted the declaration he had made at first.

Earl *Stanhope* said, in the reign of Queen Anne, when the twelve peers were created at once, it was gravely considered whether they should be allowed to take the oaths; and it was held that the House could constitutionally prevent them taking the oaths.—[Lord *Brougham*—" But nothing was done."] Beyond all doubt, however, the House could resolve, that on a division, the names of certain Peers should not be counted, just as any other persons, strangers, who might happen to be in the House. With respect to the threatened creation of Peers at the time of the Reform Bill, he had certainly seen a letter beginning, " Dear John Russell"—and signed " Brougham," in which something was said about the King having granted the then Ministry a *carte blanche* to create any number of Peers.

Lord *Brougham* explained. He did not deny the fact of the power having been given, but that Earl Grey had threatened that House with the use of it.

Earl *Stanhope*. Of course the power was intended to be employed, if the necessity for it had not been prevented by a very unconstitutional circular — [Lord *Brougham*—" No, not a circular"]— or letter from the late King's Private Secretary, desiring the absence of many of the Opposition Peers, who acceded to that as the least dangerous alternative. The noble and learned Lord had said, that the country was in no danger of revolution. He fervently trusted that this might prove true, but he feared that the noble and learned Lord spoke in utter ignorance of the real feelings and situation of the people. The cause of the continual excitement in which the people were plunged: and of the great influence of agitators, was the state of poverty, and the want of employment which pervaded such large masses. As to his having opposed the prayer of the petition which he had presented on this occasion, he had candidly told the Members of the National Convention, who had desired him to present it, that he could not conscientiously support its principles.

The Duke of *Wellington* agreed with the noble Viscount opposite, in much that had fallen from him with respect to the inexpediency of delivering lengthened harangues in that House, on the presentation of petitions, and he could not help lamenting that the noble Earl, his noble Friend, should have taken that opportunity of delivering one of those long harangues. The petitioners stated fairly enough the grievances of which they complained, and prayed for the adoption of measures calculated to put an end to them. He could not help regretting, that his noble Friend should, on that occasion, have been tempted to dilate, at so much length, upon the supposed causes of those grievances, and their present and anticipated effects, without suggesting some measure, such as the repeal of the Poor-law, or bringing forward some distinct proposition for the enactment of a new law, or the repeal of an old one. If he made some such proposition and that the House did not attend to him, then indeed might the noble Earl find some excuse for haranguing on the presentation of petitions; but it really was unworthy of the great mind of his noble Friend to endeavour to excite such a spirit as his speeches were calculated to call forth. He was happy, however, to find that his noble Friend and he agreed in some things, that he disapproved of the arming of the people, and he hoped that if the disaffected spirit which was abroad went further, he and the noble Earl should be found on the same side, that they would stand in the same ranks. He should wish to stand near the noble Earl. Of one thing there could be no doubt, that his own place would be on the side of order and the laws, and he hoped that the noble Earl would be found near him. Let the noble Earl bring forward measures upon those several subjects, and let the House decide upon them at once. That would be a more fair and manly course, and one more likely to give satisfaction to the country than the course which the noble Earl thought fit to pursue night after night. With regard to the subject of the petition which had been presented by the noble Earl, he must confess that he had heard with great satisfaction the sentiments which the noble Viscount opposite had expressed upon these subjects. He fully concurred with the noble Viscount in the propriety of opposing the further extension of the suffrage, and upon the very same ground, namely, that such extension would be inconsistent with the best interests of the country. He likewise concurred in the sentiments which the noble Viscount had expressed upon the subject of the ballot, that obnoxious, and he must say, un-English measure; at the same time he deeply regretted that the noble Viscount had thought proper to make it what was called an open question. He had had the misfortune to be in office when there were such questions, and he must say that he never could consider them as any thing but a symptom of weakness on the part of those who were carrying on the service of their Sovereign—a symptom that they were not acting together, that they did not agree amongst themselves, and that there was a division, also, amongst their supporters. Instead of its being a matter of satisfaction that an important question like the ballot should be left an open question, he regarded it as a circumstance most likely to prove disastrous to the Government, and eventually so to the country. Under these circumstances, although perfectly content with the opinions delivered upon the subject by the noble Viscount, he confessed he had lamented, and did still lament most sincerely, that the question of the ballot should be considered an open question by the Government, and more particularly still did he regret that it should ever have been declared so.

Earl *Stanhope* thought that the best answer he could give to the challenge of the noble Duke to bring forward those questions to which he had alluded in the shape of a motion, bill, or something else, was to be found in a military anecdote. It was said that a French general, upon returning from an inglorious campaign, had been asked by his sovereign, Louis 14th, with an air of astonishment, why he had not taken the general to whom he had been opposed in battle; to which inquiry he replied by saying, "Sire, if I had attempted to do so, he would have taken me." Such was his position. He did not bring forward any measure, because he had no chance of success, and because, if he did so, the noble Duke would no doubt triumph in his defeat. He preferred waiting for better times, and, by acting according to his own tactics, not expose himself to such a defeat. This much he would say for the satisfaction of his noble Friend, that if the bill for continuing or extending, he did not care which, the powers of those dictators, the Poor Law Commissioners, should come up to that House, he should consider it his duty to take the sense of the House upon it, though he should stand alone. He had already voted in that House in a minority of three, and he should not be ashamed or afraid to do so in a still smaller minority.

HOUSE OF COMMONS,

Tuesday, June 25, 1839.

MINUTES. Petitions presented. By Lords Norreys, Stanley, G. Somerset, and Manners, and Captain Wood, from a number of places, and by Mr. Ewart, from St. Luke's, Chelsea, in favour of the Government plan for National Education.—By Viscount Castlereagh, and Mr. Scholefield, from several places, for a Uniform Penny Postage.—By Sir Francis Burdett, from Westminster, for the Total Repeal of the Catholic Emancipation Act.—By Mr. Pakington, from two places, for Protection to the Church in Canada.—By Viscount Castlereagh, from one place, against any further Grant to Maynooth College; and from another place, for Railways in Ireland.

NEW ZEALAND.] Sir *R. Inglis* wished to put two questions to the Under Secretary for the Colonies, relative to New Zealand. He wished to know what were the intentions of her Majesty's Government, relative to the colony of New Zealand generally, and also with respect to the New Zealand Company.

Mr. *Labouchere* said, that the Government had come to the determination of taking steps which would probably lead to the establishment of a colony in that country; but as those measures were still under consideration, he trusted the hon. Baronet would excuse him from entering further into them. A number of persons had gone out to New Zealand, and in order to protect the aborigines, and for the maintenance of good order among the inhabitants, it was thought fit that measures should be taken to establish law and peace. With regard to the New Zealand Land Companies, he need hardly assure the hon. Gentleman that these companies could not have been recognized by the Government. They had sent expeditions from this country upon their own responsibility, and without any sanction from the Government; but he was bound to say, with an explicit declaration, that in any future step which the Government might take in reference to New Zealand, they would not consider themselves bound to recognise any title to land set up which might appear to be fraudulent or excessive. He felt it better to give this explanation, because he perceived, by the newspapers, that some wild schemes were afloat, and if it should be the course of the Government to urge persons to assist in the progress of colonization in these islands, yet, at the same time, it was necessary that they should understand that, in the case of land acquired from the aborigines—a class quite unable properly to protect their own interests—it was the duty of the Government to protect them, and to see that no title to land should be set up of the kind he had described.

WIGAN ELECTION — ABDUCTION OF VOTERS.] Mr. *Ewart* rose to move for a Select Committee to inquire into the allegations contained in the Wigan petition (presented by him on the 10th of June) complaining of the abduction and violence practised towards the voters at the last Wigan election. When a candidate went down to a borough with which he was previously unacquainted, upon an invitation from a large body, and when he had obtained the promises of a majority, but the voters were carried off, and so prevented from exercising their own free-will, surely the House would consider it as a more aggravated case than even corruption; it was an attack upon the Constitution of the country. The House punished corruption. The case he had to detail was, in his opinion, of a much more aggravated character, and called imperatively for the intercession of the House. But those cases were not of such an aggravated nature as the present, because, in those cases, the parties had acted under the excited feelings of the moment; but, in this case, the abduction had been premeditated many days before the intended election, and these persons had been kept away until the final close of the poll. The persons guilty of this outrage had done him the honour to select voters who had signed the requisition to him; they had not attempted to carry off any of those whose opinions might be deemed doubtful, but those had been fixed upon who, having signed the requisition, might be considered as bound to vote for him. There was another circumstance of aggravation—those who had been carried off were poor men who had not the power, the wealth, or the influence, to defend themselves. He, therefore, trusted the House would be more earnest in the defence of them, than of those whose station gave them the power of standing up in defence of their own privileges. The petition contained a detail of the circumstances of the case, into which he would not now enter. The cases of abduction might be divided into three classes. First, voters who had been confined in their own houses, and obliged to remain there, or to escape into the houses of their neighbours. Second, those voters who had been seized in the streets of Wigan, locked up and drugged with opiates, and thus prevented from recording their votes. The last class comprised those who had been violently seized in the streets and carried into back rooms, forcibly held down, drugged with opiates, and forced into chaises, conducted to a distance, many of them to Liverpool, and kept there until the poll was closed. All these voters had signed the requisition to him, and it was rather hard that, after having been deprived by these means of his voters, he should find himself assailed by an election petition. He thought this also was an aggravation of the case, that those persons who, in Liverpool, had confined these voters, and took from them their shoes, refusing to permit them to leave the rooms for any purposes whatsoever, did so for the purposes of gambling, thus, by the perpetration of one vice, encouraging another. He trusted the House would listen to the prayer of the petitioners, and vindicate at once the privileges of the electors, and the privileges of the House itself. In accordance with the wish of his constituents, he begged to move for a Select Committee to inquire into the allegations contained in the Wigan petition (presented on the 10th of June) complaining of abduction and violence practised towards the voters at the last Wigan Election.

Mr. *G. W. Hope* trusted to be able, in a very few words, to show the House, that this motion ought never to have been brought forward, and that it ought not to be acceded to. The hon. Member for Wigan had divided his cases of alleged outrage into three classes. He would endeavour to take each class separately, and dispose of it. First, however, he would advert to that case which stood third on the list in the petition, and which seemed by the parties concerned to have been looked upon as of peculiar importance, from the singular circumstance that the individuals charged with the offences there stated had been prosecuted for them, brought to trial, and — acquitted. The case he referred to was that of William Riley, which was described in the petition in these words:—

"That, among the rest, John Riley, of Wigan, beerseller, a voter who had signed the requisition to the said William Ewart, and had promised him his vote, was, on the evening of Thursday, the seventh day of March, invited to the Eagle and Child Inn, where the said John Hodson Kearsley's committee and friends assembled. That when the said John Riley arrived opposite to the Eagle and Child Inn, he was forcibly dragged into the house, and there held down upon a chair by one man, while another held his arms, a third held up his head, and a fourth poured some liquid down his throat, which produced almost instantaneous stupor. That in that state the said John Riley was forced into a chaise, taken down to Liverpool to a public house in St. Vincent-street, kept by a man named Peter Stubbs, and there deprived of his hat and shoes, and confined up stairs, and not allowed to go out, even for the purpose of relieving nature, until after the close of the poll on Saturday afternoon, when the parties by whom he had been taken to Liverpool brought him back to Wigan in a chaise, and set him down in one of the streets in Wigan about midnight. That whilst at Liverpool, in a state of unconsciousness, the said John Riley had spirits and narcotics administered, and was from time to time struck on the top of his head, and thrown upon the ground, and fallen upon by some of the men who took him down. That, owing to the liquids administered to him, the said John Riley remained in a state of unconsciousness from the Thursday night until the Saturday morning, and has since suffered much pain, both internally and externally, from the treatment he then received. That when restored to consciousness, the said John Riley repeatedly demanded, both of the landlord and the parties who had taken him to Liverpool, to be set at liberty, in order that he might return to Wigan; but, under various pretences, they refused to liberate him. That James Riley, of Wigan, retailer of beer, after being treated at the Shovel and Broom public-house, by voters in the interest of the said John Hodson Kearsley, was invited to go to the Eagle and Child, under the pretence that a person of the name of Nightingale, a Chartist, from Manchester, who was proposed as a candidate, wanted to see him. That the said James Riley went to the Eagle and Child, and on his arrival was forced into the same chaise with the said John Riley, and taken with him to Liverpool, and with him deprived of shoes and hat, confined until Saturday afternoon, and then brought back to Wigan at midnight. That the said James Riley resisted violently, broke the chaise windows, and threatened to stab the men unless they let him go, on which a voter and active partisan of Mr. Kearsley's, and actively engaged in forcing both John and James Riley into the chaise, with a knife inflicted a wound on the said James Riley."

A clearer case, if the statements were true, could certainly not be shown, yet on the 13th of April last the parties so accused were tried and acquitted. He did not know why the hon. Member had omitted that most important fact; but it seemed most singular, that he should come down to the House and ask for a committee to try, or rather, in fact, to re-try, a question that had already been adjudicated on by the ordinary tribunals, and, at the same time, not inform the House, that such trial and acquittal had taken place. The next case he would refer to was that of a person named Blomerley, thus described in the petition:—

"That William Blomerley, of Wigan, manufacturer and shopkeeper, a requisitionist and voter in favour of Mr. Ewart, was, about six o'clock of the morning of the day of polling, violently seized in the open street by a number of people, forced into a public-house in Wigan-lane, called the Bowling green (where a large party of Mr. Kearsley's partisans were then assembled), confined in a room there until a post-chaise arrived, into which the said William Blomerley was forced, and taken to the Ridgway Arms public-house in Adlington, distant seven or eight miles from Wigan, and there confined until he was rescued. That there were three men in the chaise who guarded the said William Blomerley to Adlington, and afterwards acted as guards over him when confined in the Ridgway Arms public-house, and frequently treated the said William Blomerley with great harshness and violence. That the said William Blomerley remonstrated strongly, and resisted violently throughout the whole proceeding, and broke the chaise windows in the attempt to make himself known and heard; and, during his confinement at Adlington, broke the windows of the room he was confined in, and remonstrated frequently with the landlord, James Fowler, and demanded his liberty, but without effect; and the said James Fowler had in attendance a number of delfmen in his employ, with weapons, for the purpose of resisting, as he said, any attempt that might be made to rescue Blomerley. That the first person who went and demanded the liberation of Blomerley was Alex. Thompson, who was threatened with violence unless he went away. Thompson then left the house, and soon afterwards returned with three others, but the doors were closed; they were refused admittance; and the people about the house began to close the window shutters. That the party again left the house, and having met Blomerley's wife and several others, they returned with them, when Mrs. Blomerley demanded to see her husband, but was refused by James Fowler, the landlord. That some of the party then came to Wigan for assistance, and returned with two police officers and about fourteen assistants in an omnibus, when Mrs.

Blomerley and the police officers again demanded of Fowler that he would open the door, and liberate Blomerley, but he still refused, until the parties promised to pay for a barrel of ale to be given away by him. That Blomerley was brought to Wigan in the omnibus about two o'clock in the afternoon, and voted in favour of Mr. Ewart."

There it was clear the parties were persons well known, and the alleged assaults amounted to a case of cutting and maiming. Why were they not prosecuted as for that offence? In the absence of any such prosecution, and where the offence was one clearly cognisable by the ordinary criminal law, it was really monstrous to call for a Select Committee of that House. But another opportunity of investigating the facts had been afforded by the inquiry into the validity of the return at the last Wigan election. The facts charged were indeed in some measure put in issue, the agent for the sitting Member having claimed to place on the poll the very votes in respect of which all the alleged outrages had occurred. Thus the hon. Member had not only had an opportunity of trying these persons before a court of justice, but also of bringing the facts in question before the election committee, a sworn jury, and where the witnesses were examined on oath. Yet he came down to ask that House to grant him a Select Committee to inquire into the same facts, a tribunal where the witnesses would not be examined on oath. He would refer the hon. Member to what had occurred in the case of Cromarty, where certain persons had carried off a voter, made him drunk, and it was even alleged, that they drugged him. Those persons were convicted by a jury, yet they were afterwards made justices of the peace. Surely such a case as that ought to make the hon. Gentleman less eager to call on the House to express their indignation against persons in the lower ranks of life for doing precisely the same thing. The only difference he could see between the case of Cromarty and that of Wigan was, that whereas in the former case the parties were convicted and afterwards made justices of the peace; in the latter they were acquitted, and the Government were called on to make them justices of the peace. Other cases were mentioned in the petition, as to one of which he would only observe, that one of those persons who was, in the petition, stated to have been overcome by stupor and in a state of unconsciousness, walked out of the town without assistance. Another of the persons referred to was found in a chaise in the streets, at one o'clock in the morning, on the look-out for voters of the other party; and in order to prevent him from doing mischief, he was pulled out of the chaise and shut up for a certain time. Another case stated in the petition was one where the voter was prevented by terror from coming out of his house to go and vote. The whole charge in the petition was merely, that about a hundred persons assembled before this voter's house, and that he was terrified. Look at the circumstances which occurred in the Cromarty case. They must be fresh in the recollection of the House. The parties were, in that case, actually tried and convicted; yet when the subject was afterwards brought forward in the House of Commons, it was argued that the whole affair was a mere election frolic. In the present case, all that was alleged was that a number of persons assembled before the house door of the voter the night before the election, and that he and others were frightened. The last case in the petition was that of the persons who—

"Entered the house of James Dobb, and while he was in bed, and notwithstanding the resistance of his wife and some whom she called upon to aid her, some forced their way up stairs, and some sat down in the house and began to smoke."

It further appeared, that Mr. Kearsley's partisans resisted the constables, and it was not until James Dobb's brother threatened to stab the first who touched his brother, that they were induced to leave the house. Why, this was one of the commonest kind of election squabbles, and surely not a case on which to found a call for the interference of a Committee of that House. The hon. Member had referred to what he conceived to be precedents for the course which he recommended. He had referred to the cases of Liverpool, Stafford, and York. Those cases, however, were very different from the present. In all those cases no election petition had been presented, and no opposition, therefore, given for substantiating the alleged cases. But in the present case not only had the parties been acquitted by a court of justice, but there had been a Committee of that House before which the costs had been put on issue, and where they might have been contested. Another point of difference between this case and those referred to by the hon. Member was, that the complaint in the present instance was of individual outrages, and not of any great and general corruption or malpractices. Matters of that sort alone, such as nearly concerned the public welfore, were made the subject of application to that House for Select Committees. The offences here complained of came under the description of simple breaches of the peace, and ought all to have been treated as such. In the cases referred to by the hon. Member as precedents, the object of the inquiry had always been to found a proposition for disfranchisement or some step of that sort, as regarded the place in which the alleged offences occurred. But no such result was proposed in regard to the borough of Wigan. What result did the hon. Member propose to himself from the present motion? Was it that abduction and cutting and maiming should be declared a crime? They were a crime already. Was it that the power of prosecuting those parties should be given? That power existed already. Suppose it had been the case of Mr. Blomerley, would the House have directed the Attorney-general to prosecute a party who had already been tried by the proper tribunal and acquitted? Would they submit to the absurdity of bringing the former acquittal pleaded, as a bar to the prosecution? What then was the object of the motion? If, after the question had been tried before the regular tribunal in the case most relied upon—if after having had the opportunity of investigating the case before a sworn committee, where the evidence would have been on oath—the object of the hon. Member was, by his present motion, to have the case investigated by a committee before whom the evidence would not be on oath;—he could not but say, that such an attempt was not very creditable, and that of itself it formed a sufficient ground for the House to reject the motion.

Mr. *Warburton* denied, that because there had been a criminal prosecution the House was to be precluded from entering further into the question. There might not be enough evidence to criminate a person in a court of justice, and yet quite enough to induce the House to interfere and put a stop to the practices of which they were accused. It should not be forgotten, that the object of this motion was not to criminate individuals; but to draw the attention of the House to practices that were prevalent, in order that they might interfere and put a stop to them. The hon. Gentleman who had just sat down, had also urged, that full opportunity for an investigation of the alleged outrages had been afforded before the select committee, where the parties were examined on oath. He surely forgot what was the legitimate object of such a committee. It was for one party or the other to seat themselves as Members—that done and they had nothing more to contend for. Was it their business, at their own private expence, to investigate facts of a general nature, bearing more upon the public welfare than upon their own title to their seats? If either Members or their agents were to attempt such a course they would be guilty of the extreme of folly. In the present instance he conceived, that there was *primâ facie* evidence, sufficient to induce the House to go into the inquiry necessary to establish the existence and the nature of the practice complained of, and he should, therefore, support the motion of his hon. Friend.

Mr. *Williams Wynn* had observed the present motion with surprise, having expected, that the hon. Member would have pointed out some distinct object to be attained by or to result from the inquiry. The hon. Member alleged, that the privileges of that House had been violated, and the freedom of election violated. Unquestionably that would afford good ground for inquiry, if with a view to the punishment of those who had been guilty of such offences; but it appeared, that in the present instance, the individuals had been brought to trial and acquitted. The hon. Member for Bridport had suggested another object to be attained by the inquiry—prevention of the recurrence of such offences. If they were offences that could not be punished by the law before the ordinary tribunals, the subject would be well worthy the attention of the House; but the fact was, that there was not one of the offences charged that was not cognizable by the common law. Some of the offences were made assaults; and others were in effect conspiracies to prevent the voters from going to the poll; but all were such cases, as, if moved before a court of justice, would be visited with adequate punishment. If the charges in this petition had been proved before the election committee, it would have been the duty of that committee to have reported them to the House, and the House would have ordered a prosecution. But that course not having been pursued, what was there to prevent the hon. Member or any other person from bringing those parties to trial at the very next assizes? He entertained very great objections to such inquiries being carried on before committees, before whom the witnesses were not examined on oath. If prosecutions were ordered on such evidence, there was the possibility of the witnesses having perjured themselves. Such a case did occur three years ago, and the accused, although prosecuted by the order of the House, was acquitted by the jury, who found that the witnesses had perjured themselves. He never would object, however, to such investigations as the present being carried on by the House, when an adequate mode of trial was not already provided by the constitution; but he certainly did object, and should always object, to any attempt to pass by the regularly constituted court, with its sworn jury and sworn witnesses, for the purpose of erecting within that House a tribunal before whom the witnesses would not be on oath.

Mr. *Aglionby* thought that the arguments of the hon. Member for Bridport had not been met by those who had opposed the motion. Those arguments were unanswered and unanswerable. He regretted much that the parties had been indicted at all, and that the whole case had not been in the first instance brought before that House. In a court of justice the accused themselves could not be examined, but before a committee of that House they would be asked who had set them on to commit the outrages, and who had paid them. Such an inquiry could not fairly be expected to be gone into before an election committee, where the expense fell upon Members themselves or candidates. A Member would be a madman who entered on such an inquiry before an election committee. The inquiry was one intimately connected with the public welfare, and ought, therefore, to be carried on at the public expense. The practices which this petition brought to light would, he hoped, contribute to convince the House, as they had helped to convince him, of the necessity of the ballot as a protection to the voter. He was for having every case of corruption and intimidation brought before the House, and exposed, that the necessity for the ballot, as a protection, might be demonstrated. He hoped that the motion would be carried, as an evidence of the necessity which existed for some safeguard of the interests of the public.

Viscount *Dungannon* regretted to hear the hon. and learned Member argue in favour of the ballot from this motion. He was satisfied that if the ballot became the law of the land the evils he complained of would be increased tenfold, as there would then exist a greater inducement to the rich and powerful to perpetuate corruption, from the secrecy which would accompany the exercise of the franchise. He must be allowed to say he had never heard argument more grossly misapplied.

Viscount *Howick* hoped, that the discussion had on the Ballot a few evenings ago would not now be renewed. He begged most earnestly to impress upon the hon. Member for Wigan the expediency of not pressing the present motion. Although it had been most ably supported by the hon. Member for Bridport, and the hon. Member for Cockermouth, yet he must say, that they had failed to remove from his mind the plain and obvious objection to the appointment of this Committee—that it would be renewing an inquiry, already settled in a court of justice. It was urged, to be sure, that only one case out of the whole had been tried. But, in all probability, that case had been selected because it was supposed to afford the greatest prospect of a conviction—a prospect which would exist still less, perhaps, in any of the remaining cases. He hoped, under the circumstances, the hon. Member would withdraw his motion.

Sir *Robert Peel* could not help adverting to the immense extent of inquiry they would be engaged in if they consented to the motion of the hon. Member. In this case there had been inquiry before an election committee, and also before a court of law; and if the House granted the motion under such circumstances, they could never refuse to grant similar motions and applications for inquiry, when there had been no previous inquiry. He presumed this inquiry was to be conducted at the public expense; and if it turned out to be frivolous, what remedy or redress would there be against the party making the complaint? Much of the complaint in the present case appeared to be frivolous; above all, the case of James Dobb, when inquiry was called for on the ground, that a number of persons forced their way into his house and smoked tobacco. The petition stated, that James Dobb, of Wigan, mordaunt manufacturer, was a voter who polled for Mr. Ewart,

> "That between five and six o'clock on the morning of the day of polling, about twenty of Mr. Kearsley's partisans went to the house of the said James Dobb, whilst he was in bed, and, notwithstanding the resistance of his wife and persons she requested to aid her, some of

them forced their way into the house and up stairs, and some sat down in the house and began to smoke. That on resistance being offered by the constables and others called to protect Mr. Dobb, they were told by some of the partisans of Mr. Kearsley that it was of no use, as they were determined to have him away with them; and it was not until Mr. John Dobb, his brother, had been sent for, and had insisted upon the parties leaving the house, and threatened to stab the first person that offered to touch his brother, that the mob were induced to leave Mr. James Dobb's house. That there were other cases where voters' houses were beset, and the voters induced, by the fear of being forcibly removed, to leave their houses, and, in other instances, parties were removed to a distance and kept there for several days, and one in which a voter was put to bed at the Eagle and Child Inn, deprived of his clothes, and compelled to remain in bed from Wednesday night until Saturday morning."

The person who seemed to have misconducted himself was the person who threatened to stab the others. It appeared, however, that these parties left the house of James Dobb, and he could not conceive, what legislative enactment they could pass to prevent the recurrence of such a proceeding for the future. A contested election never occurred in which, within a few days after the contest, complaints were not made by one party or the other. If they consented to such a motion as the present, the House would be constantly engaged in tedious and expensive investigations, and in hardly any case a practical result would be arrived at. He could not conceive what legislative enactment could be passed on this subject which would not be found to be most oppressive and vexatious.

Mr. *Brotherton* complained of the existence of similar practices in other boroughs in Lancashire, and stated that the House ought to take effectual steps to put a stop to the system. He should support the motion of his hon. Friend, in the hope that the result would be the carrying some legislative enactment on the subject.

Mr. *Wilson Patten* said, that the hon. Member for Wigan must be aware that the accusations of violence were not confined to one side in that borough, but that both parties were implicated.

Mr. *Ewart* said, that he should persist in his motion, as he thought that it was the duty of the House to investigate the subject, and prevent the recurrence of such proceedings.

The House divided:—Ayes 36; Noes 81: Majority 45.

List of the AYES.

Aglionby, H. A.
Baines, E.
Barnard, E. G.
Berkeley, F. H.
Brabazon, Sir W.
Brotherton, J.
Collins, W.
Duncombe, T. S.
Easthope, J.
Hector, C. J.
Hobhouse, T. B.
Hume, J.
Johnson, Gen.
Lister, E. C.
Lushington, C.
Marsland, H.
Melgund, Lord
Muskett, G. A.
O'Connell, D.
O'Ferrall, M.
Pechell, Captain
Power, J.
Pryme, G.
Roche, W.
Scholefield, J.
Stansfield, W. R. C.
Steuart, R.
Stewart, J.
Style, Sir. T. C.
Thornley, T.
Vigors, N.
Wakley, T.
White, A.
Williams, W.
Williams, W. A.
Wood, G. W.

TELLERS.

Ewart, W.
Warburton, H.

List of the NOES.

Acland, T. D.
Alsager, Richard
Arbuthnott, hon. H.
Attwood, W.
Bagge, W.
Baring, W. B.
Blackstone, W. S.
Bowes, T.
Broadwood, H.
Burrell, Sir C. M.
Chute, W. L.
Clerk, Sir G.
Corry, rt. hn. A.
Dalrymple, Sir A.
Darby, G.
Darlington, Earl of
De Horsey, S. H.
D'Israeli, B
Douglas, Sir C. E.
Dunbar, G.
Dungannon, Visct.
Egerton, W. T.
Eliot, hon. J. E.
Filmer, Sir E.
Forester, hon. G.
Freshfield, J. W.
Gaskell, J. Milnes
Gordon, hon. W.
Goulburn, H.
Greene, T. G.
Grey, Sir G.
Henniker, Lord
Hodgson, R.
Holmes, W.
Hope, hon. C.
Howick, Visct.
Hughes, W. B.
Humphery, J.
Hutt, W.
Ingham, R.
Inglis, Sir R. H.
Irving, J.
Jones, T.
Knightley, Sir C.
Labouchere, H.
Lincoln, Earl of
Lucas, E.
Mackenzie, W. F.
Miles, W.
Miller, W. H.
Molesworth, Sir W.
Morpeth, Visct.
Murray, A.
Nicholl, J.
Norreys, Lord
O'Brien, W. S.
Packe, C. W.
Palmer, G.
Patten, W.
Peel, Sir R.
Perceval, Col.
Plumptre, J. P.
Price, R.
Richards, R.
Rose, Sir G.
Rutherford, A.
Sheppard, T.
Somerset, Lord G.
Sugden, Sir E.
Talfourd, T. N.
Thomas, Col. H.
Vere, Sir C. B.
Verner, Col.
Waddington, H. S.
Ward, G. H.
Wilbraham, G.
Wilbraham, hon. B.
Winnington, H.
Wyndham, W.
Wynn, C. W.
Young, J.

TELLERS.

Fremantle, Sir T.
Hope, G. W.

WASTE LANDS OF THE COLONIES.] Mr. *Ward*:* I am aware of the difficulty at a time when party spirit runs high, and party struggles occupy too many of those hours which ought to be given to the practical purposes of legislation, of inducing the House to give a patient hearing to a question, which not only has no party interest to recommend it, but which it is necessary to illustrate by a particular class of facts, and details, to which very few Members of this House are in the habit of attaching that importance, which in my judgment, they deserve. Feeling this, and knowing how little it is in my power to impart any attraction to the subject, beyond that, which its instrinsic merits may command, I should have shrunk from bringing forward the motion of which I have given notice, if I had not felt that the question was one, which not only ought to be brought under the consideration of the House, but which could not, in justice to the country, be deferred. I admit, that there are no hopes of legislating upon it during the present Session: but I call upon the House to fix the grounds, upon which future legislation must rest,—to affirm the principles upon which the Government must act,—and to permit me to shew what there is in the establishment of those principles interesting to the community at large, and more peculiarly to that portion of the community, whose industry is their daily bread. No man who thinks at all, can look at the present condition of the working classes, the state of excitement that prevails amongst them, and the wild theories, that have been broached by their leaders at the public meetings which have recently taken place, without feelings both of commiseration, and alarm. I have watched narrowly the course of the present movement, and, when I look to the fact, that the peace of England has been endangered, during the last twelve months, by an agitation against property,— against law— against society itself, I think myself entitled to ask, even those who have least faith in the possibility of a remedy, whether any experiment that holds out the hope of a remedy ought not to be tried? Sir, I am convinced that no great popular movement has ever taken place, without having economical causes at the bottom of it. It is physical suffering that engenders political discontent. In the present instance this is pre-eminently the case. Chartism is a knife and fork question—a bread and cheese question, as Mr. Stephens has called it—an attempt to effect great social, through the medium of great political changes—to acquire property by acquiring the franchise—to get rid at once of political disabilities, and distress. We, in this House, know perfectly well, that these hopes are illusory, and that the welfare of the working classes in this country depends, in a great degree, upon the preservation of that very artificial system which they denounce, and would destroy if they had the power, to-morrow;—since, without the assistance which capital and credit afford to the poorer classes in this country, they could not exist. In lieu of the comparative comforts which many enjoy, they would be left a prey to absolute starvation. But how convince them of this? How reason with empty stomachs? How persuade men, who work fourteen, fifteen, and even sixteen hours a day, for a pittance barely sufficient to sustain life, that there is not something unsound, and rotten, in a system that produces such results? And it must not be forgotten, that the sufferings of the poorer classes in this country are enhanced by the constant contemplation of the luxuries of the rich. They see every comfort, and blessing, that it is possible for wealth to purchase, or human ingenuity to devise, showered down upon the affluent, as if in mockery of their own distress, while they are entirely, and hopelessly, deprived of all anticipation of ever participating in blessings, which they may learn to appreciate, but can never enjoy. I have visited many countries, and I have no hesitation in saying, that in no part of the world does there exist such a fearful distinction between the richer, and poorer, classes, as here—in no country is the line of demarcation between them so rigidly drawn, and so seldom crossed,—in no country are the extremes of wealth and poverty brought into such fearful, and dangerous, juxta position. I can well understand, under these circumstances, how the feelings originate with which the Chartists have been taught to regard what they term the property classes in this country. Feelings of jealousy, hatred, and distrust have been excited against all who possess property amongst us, and a belief has been engendered in the minds of the labouring classes that they are money mongers, profit mongers, blood suckers—men who would grind the faces of the poor for their own unworthy ends. Expressions of this kind are invariably applied to the property classes by the Chartist orators and the Chartist press; so that those who have nothing, are induced to regard as their natural enemies, all who have any thing to lose. Much ingenuity has been shewn by some of the Chartist leaders, in enforcing these doctrines by the most singular misapplication, and perversion, of Scriptural texts. Every one must have observed this who has been in the habit of reading the productions of the Chartists; for it was only in a newspaper of Sunday last, that advocates their principles, that I saw a most singular interpretation of the text, "Be ye fruitful and multiply, and replenish the earth, and subdue it," which was construed not only into a permission, but a command, to every man of the age of twenty-one, to marry, whether he could support a family or not, with the assurance that, if labour failed him, he might claim as his inheritance a portion of the land. He was told, that if he could not obtain the means of subsistence otherwise, he was justified in demanding, or taking it, from the produce of the land. This feeling has been encouraged still more by the language of persons, who have refused to countenance the resort to physical force, or other outrage. An hon. Friend of mine, whom I regret to see not in his place, I mean the Member for Birmingham—who has always kept honourably aloof from the violent proceedings of the Chartists, has, nevertheless, given the sanction of his authority to some of the extravagant opinions which they put forth. He has said, that it should be in the power of every man to procure "a fair day's wages for a fair day's work, and a full day's wages for a full day's work." Now, I cannot help expressing my regret at finding such a doctrine held by such a man, who has thus given the sanction of his name to what I cannot but regard as a gross politico-economical heresy. It may be said, that the diffusion of education would put a stop to such errors, but we have not time to wait for the result of education when opinions like these are generally entertained. I listened with deep interest to the opinions expressed on the subject of education the other night by my hon. Friend, the Member for Liskeard; but looking to the state of so large a portion of the population, I should like him to explain how we can expect to educate men, whose lives are spent in procuring the means of living from day to day? What is the state of the population employed in the Factories? They are engaged in long hours of wearisome toil every day of their lives—and in procuring food for the body, have no time to think of food for the mind. The Hand-loom weavers are still worse off. I recollect in the debate on the Corn-laws, I referred to the case of a man named Marsden, which made much impression on the House, but several hon. Members immediately asked me whether this man was not a hand-loom weaver, when I had described the privations endured by him, and on my answering in the affirmative, many turned away, as if they were not surprised at such sufferings when they heard the occupation of the man. But are the Hand-loom weavers "Pariahs?" Are they outcasts from society? Are one million of human beings to be exposed to such sufferings without pity or prospect of relief? It is now well ascertained, that their distress is not caused by the mere competition with machinery; for it was proved before the Commissioners appointed to enquire into their condition, that one great cause of the pressure on the Hand-loom weavers is, the competition that exists in the trade itself. It was called by Mr. Symons "the common sewer of our industry," because so easily acquired, and, therefore, always overstocked. But how are we to bring education to bear upon men whose condition is so wretched, yet who form such a large mass of the population, as they amount in number to upwards of a million? Mr. Symons, in his report upon their state and prospects, says,

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* From a corrected report, published by Ridgway.

> "When a man's whole faculties are strained to the utmost, from sunrise to sunset, to procure a miserable subsistence, he has neither leisure, aptitude, nor desire for information. He is assimilated to the beasts of burthen, and gradually partakes of their animalism, for in the degree in which extreme privation bars out civilization and refinement, is scope given to each brutalising impulse and passion."

He says also,

> "That there is a total decay of reading amongst them—that there is little scope for the exercise of prudence—and that religion has lost its influence,—as their only care and

anxiety is how to procure their daily meal. Their children are growing up in a state of semi-barbarism, and yet they have the strongest desire to educate them. There is no communication between them and the wealthier classes, for rarely do the language of sympathy, or the kindlier influences of charity, gladden their damp, and dreary dwellings."

The pressure is very great on other classes as well as the Hand-loom weavers. If we inquire, we shall learn that in the Factories the hours of labour are increasing, while the amount of wages is gradually growing less. If we go to the agricultural districts, more particularly in Devonshire, we shall find, that wages during the last winter were only six, or seven, shillings a week, while wheat was ten shillings a bushel. Again, what is the condition of at least one-half of the human race in this country? We are in the habit of boasting of being a moral country, and of the distinction and care with which women are treated amongst us. Yet in no country with which I am acquainted does there exist so vast a mass of female misery and degradation as here. Not more than one woman out of three can marry at an early age, because such is the pressure of population upon the means of subsistence, that not more than that proportion of men can afford to do so. Employment of any kind is so difficult to be procured by females, that after working sixteen or seventeen hours a day at needlework, they hardly obtain sufficient to give them a bare subsistence—I believe not more than eightpence a-day. The consequence is distress, and prostitution, to an extent, and beginning at an age, unheard of in any other Christian community. Thousands every year are running their brief career of misery, drunkenness, disease, the canal, or the unknown, and unhallowed, grave. This is the fate of a large portion of that sex, which we profess to love, to honour, to revere, and which, under happier circumstances, sheds the brightest influence over our lives. Sir, these things may shock delicacy, and wound national pride, but they ought to be known. They are truths that must be told, for they are part of the system, with which we have to deal, and of the evils that we have to remedy, if we wish to avoid the danger of what are termed revolutionary principles. Revolutionary principles are harmless in a sound and healthy state of society, but they become highly dangerous when put forward in a state of things like that which this country now sees, when men, in a condition of intense suffering and poverty, add to ignorance, an organization of numbers, with little or nothing to hope from things as they are, and who are, consequently, prepared to welcome any, and every, change. Among the population of this country, there is an immense mass of disaffection arising out of physical suffering, combined with ignorance,—with a consciousness of civil and political rights, a sense of injustice done, and a hopelessness of redress, which give a most formidable character to the present movement. But it is said, "Oh, we can easily stop this movement, and put down the Chartists." No doubt it is easy to suppress any temporary acts of violence; but Chartism cannot be put down in this way. The Legislature can only deal effectually with Chartism, by going to its source, and by removing, or mitigating, the pressure, which occasions it. It is an evil of a purely economical character—a social evil,—the growth of freedom, not of political abuse. It is not an evil which has arisen from bad government, or bad laws,—it would be impossible to point out any law, the removal of which would place the working population of this country at once in a healthy state. It is to be traced clearly to the disproportion between our population and the field for the employment of labour, in spite of the thousand channels which capital and credit have opened to our industry. And not only in the humblest classes does this disproportion exist. The Church, the Bar, the Army, the Navy, trade, all are subject to it. Every department is overstocked. There is but one prize for one hundred blanks. Profits are less—the demand for educated labour is less—for every opening there are twenty competitors. No man can rise above his original position in the world, and the most persevering industry is often cheated of its reward. Even the wealthier portion of the community, though placed far above the reach of poverty, feel the pressure, to some extent, for their children, and connections, if not for themselves. The picture, Sir, which I have drawn, is not an exaggerated one. I have no wish to exaggerate it. It is a picture which no lover of his country could contemplate without deep distress, if the hopes of alleviation were limited to the confines of the British islands. Fortunately, however, this is not the case. There is another, and a mightier, resource available,—a resource to which I have referred in my motion, this evening. I believe this resource to be an almost inexhaustible one. And why? Because it consists in a proper disposal of the waste lands in our colonies, and is limited only by their extent. And what is that extent? Look at the British Colonial empire — the most magnificent empire that the world ever saw. The old Spanish boast that the sun never set in their dominions, has been more truly realised amongst ourselves; and not only do we possess in our colonies every possible variety of climate, and of soil, but the power of producing almost every article of which our manufacturing industry stands in need. These are the treasures that Providence has bestowed upon us. To what account have we turned them? How have these materials of wealth been dispensed? Have colonies been regarded as an integral part of the empire?—a place of refuge for thousands, who are wasting their lives in profitless labour here? No; there has been no principle, or system, or plan, in our colonial policy, at all. Government has simply looked on the colonies as a field for patronage, and the Legislature has regarded them as a source from which contributions to the revenue might be drawn. The Legislature has done nothing. The Government nothing. Whatever good has been achieved is due to individual enterprize and to individul enterprize alone. But surely the land in our Colonies is intended to serve higher and better purposes than those to which I have referred. What are termed the waste lands are emphatically public lands, the inheritance—the patrimony of every poor man in England, Ireland, and Scotland, who pays allegiance to the Crown —and as such I claim them. They are a trust, which the Government of this country is bound to administer for the public good; and, further, so to administer, as to afford the means of reaching the Colonies, if they desire it, to all those whose poverty, not their will, binds them to our shores. Fortunately, the attainment of this great object is attended with little difficulty. In the first place you cannot introduce any sound, or equal, or practical system of dealing with the lands in the colonies, without creating a revenue from them; and, judging from the result in other countries, in which the experiment has been tried, this revenue must be very large. Take, for instance, the United States, which are situated somewhat like ourselves in this respect. In forty-two years they have realised from this source a sum of not less than seventeen millions sterling, while during the very period in which they have been doing this, with incalculable national advantages, our waste lands have remained waste lands in every sense of the word. Yet the American colonies—for their's are colonies as much as ours, there being no essential difference between an emigrant's going to the Back-settlements from the coast towns of the United States, and his going to Australia from England—so far from having been retarded by what might appear to be a heavy tax, have actually flourished, not only in spite of the tax, but in fact, in consequence of it, to a degree, which is quite unprecedented in the history of the world. They have advanced, by the most rapid strides, to wealth power, and internal comfort. New towns, new states, have every where sprung up, while, on the other hand, the land in our colonies, which has been lavishly granted for the most unwise purposes, has produced no revenue, created no wealth. Our settlers are few, and full of just complaints. Sir, I cannot help thinking that this lamentable contrast in itself sufficiently bespeaks the fact, that there must be some fundamental error in the principle on which we have proceeded. That fundamental error was pointed out some ten years ago, in a work called "England and America," the author of which is now known to be Mr. Gibbon Wakefield; a work, which—whether I look to the admirable clearness, with which the theory of colonization is developed in it, the vast array of facts brought to bear upon it, or the great practical results, to which it must lead—all the offspring of one man's mind—I cannot but regard as an honour to the country, and the age. I only trust that the theory thus developed will be taken up, and acted upon by the Government of this country on a large scale, and within the shortest possible period of time. Mr. Wakefield, in "England and America," lays it down as the first principle of colonization, rightly understood, not to disperse labour, but to concentrate it; to keep the population together, so as to secure for the colony, from the first step in its career, the advantages of co-operation, and of a continuous supply of combinable labour. He has shewn further, that some pressure from without is necessary to produce this effect—to check the natural tendency of every man who emigrates to a new country, from one, where people are plentiful, and land scarce, to become a proprietor of land himself, under the idea, which he carries out with him, of the value attached to land, in his own country; forgetful that land without combinable labour to employ upon it, is of no more value than the sky above, or the sea around it. The consequence of this fallacious tendency, wherever it has been indulged, has been to isolate the settlers—to divide labour into fractional parts—the single pair of hands of the single individual—to prevent combination, exchange, or progress of any kind. All history, all experience prove that when once a colony is suffered to fall into this state of stagnation, it never advances. Where there is a dispersion of settlers, there can obviously be no co-operation, and subsequently no improvement. Nova Scotia is a proof of this, amongst our own colonies. The Gauchos of the Pampas are another. The Spaniards there are precisely what their forefathers were before them, 300 years ago; and if there are other colonies, which have not shared this fate, it is because the successors of the original settlers, being men of greater energy and capital, have corrected the vice of their position, by having recourse to the labour of slaves, in default of a supply of free labour, by the aid of which slave labour, they have raised a vast amount of exchangeable produce, and created an abundant trade. This is the real history of slavery, which in a certain state of society, steps in to supply the place of that hired labour, which capital can always command in a country where people are plentiful, and land scarce, but which no capital can command in a country where this proportion between land and people is reversed. Hence, too, it is, that the colonies of all nations have undergone, in their infancy, the curse of slavery, for even where black slavery is not practised, there is white slavery to supply its place. To this day there is white slavery in Australia, and it produces an infinitely worse moral effect than the black slavery, which it has cost us twenty millions to get rid of in the West Indies. At the present moment, however, but for the white slavery, which is called the convict system, in New South Wales, that colony would be absolutely ruined, as it has no other combinable labour at all. What is the remedy for these evils?—To change the system;—to create a sufficient check on the power of acquiring land, to secure the advantages of combined labour at once;—to prevent the poor emigrant from becoming, upon his landing, a poor and useless landholder; and to prevent the capitalist from surrounding him with a desert which he has no means, or hope of cultivating. There must be a power somewhere to give land, and a power to withhold it. In whom should this power be vested? In the Government or the individual? Both are bad. If we vest the power in the Government, a glance at all past colonial history shows what the result will be. If, on the other hand, it be vested in the individual, a few selfish persons, acting pon the true dog-in-the-manger principle, may take possession of a great tract of country, and shut out all other settlers from it. There, must, therefore, be some established principle, some fixed rule, by which all parties are bound; and I believe that the more this subject is investigated, the more it will be seen that there is no fixed rule so fair, so equal, so just in its operation as between man and man, as "Price." Price is the only basis on which a sound principle of colonization, in reference to the disposal of waste lands, can be founded. True, Price may, and will, vary according to the circumstances of each colony; as for instance, the price of land in the West Indies, where half an acre of land suffices to support a family in abundance, must, under any system, be more than the price of land in Canada; but the principle is, that the price of land in every instance should be a "sufficient" price to secure to every capitalist a supply of hired labour, while it holds out to the labourer the prospect of such wages, as will enable him to become in turn a capitalist himself. Upon this part of the subject I may be allowed to quote two passages from a very able circular addressed by the Government to the governors of the West-Indian Colonies, in January, 1836. The circular said:—

> "In order to prevent this, (the indisposition of the apprentices to work for hire) it will be necessary to prevent the occupation of any Crown lands by persons not possessing a pro-

prietary title to them, and to fix such a price on Crown land, as may place them out of the reach of persons without capital. The natural tendency of the population to spread over the surface of the country, each man settling where he may, or roving from place to place in pursuit of virgin soil, is thus impeded. The territory, expanding only with the pressure of population, is commensurate with the actual wants of the entire community. Society, being thus kept together, is more open to civilizing influences — more directly under the control of the Government—more full of the activity which is inspired by common wants, and the strength which is derived from the division of labour, and altogether is in a sounder state—morally, politically, and economically—than if left to pursue its natural course."

Sir, it is my conviction that these principles fairly worked out, will produce every where the proper proportion between land and people, give the fullest scope to industry, and the greatest encouragement to exertion. They will secure a rapid advance and render the colony to which they are applied, equally attractive to the capitalist and to the labourer, by ensuring to the one high wages, and to the other high profits, while they give to every man fair play. The field of employment will be always ready to expand but not too rapidly. If we look only to the colony, then, leaving the mother country out of the question, it is desirable that a price should be affixed to land; but the interests of the mother country are not less concerned. A price cannot be put on land without producing a revenue, and this revenue, if applied in a sound way to the purposes of emigration, affords the best emigration fund that the mother country or the colony could desire. By securing a certain supply of labour it encourages the capitalist in the mother country to invest capital in land, while the more land is bought, the more labour can be supplied. Indeed, in the regulations of the South Australian Colony, which is founded on the principles that I am now advocating, I find the word "price" defined to be "a contribution to the Emigration Fund," and it is stated by the Commissioners as the proud distinction of the Colony, that "this is the sole condition on which land can be obtained there." As to the probable amount of this Emigration Fund, having no experience of our own to guide us, we must look again to the United States, and inquire what has been the system pursued there, and what the results. In the first place, I find that the right to all lands' with some exceptions in the old Atlantic states, is vested in the Federal Government by Act of Congress. That Act of Congress has been at the bottom of all the good which the system has produced. There is one uniform price fixed of 1¼ dollar per acre—a price which has been considered too low by the economists best informed on the subject. No credit is given. There is a perfect liberty of choice, and appropriation, at this price. Immense surveys are carried on, to an extent which strangers have no conception of. One hundred and forty millions of acres have been mapped and planned, at a cost of 2,164,000 dollars. There is a general Land-office at Washington, with forty subordinate district offices, each having a Registrar, and a Receiver, with salaries of 500 dollars, and one per cent. upon sales. Maps, plans, information of every kind, are accessible to the humblest persons. There is also the best check on the proceedings of these offices, by the means of annual reports to Congress, while at the same time every facility is given to individual enterprise. A man, if he pleases, may invest a million of dollars in land. If he miscalculate, it is his own fault; the public is, under any circumstances, the gainer. What has been the result of this system? Since 1795, when it was first established, the amount actually realized and paid into the Public Treasury, has been eighty-four millions of dollars. The National Debt is paid off. There is a surplus revenue to divide;—and these results are perfectly intelligible when we look to the produce of the land sales since 1795.

	Dollars.
In 1796, the proceeds were only	4,836
In 1811 - - -	1,040,237
1819 - -	3,274,422
1835 - - - -	11,000,000
1836 - - -	24,000,000

These are the pecuniary results of a system of disposing of waste lands by sale, fairly and honestly carried out. The *moral* results, if I may so term them, are equally great. The whole of the Western wilderness of America has been converted into the most thriving combination of States that the world ever saw, full of the elements of prosperity, public and private,—fast increasing in population, wealth, happiness, and power. How melancholy a contrast does this present to the state of things which a contrary system has produced amongst ourselves! What was the English system up to 1831, when some beneficial changes were made in it? There was no Act of Parliament,—no responsible board, or officer,—no land offices,—no information to be had—plenty of surveyors in the colonies, well paid, but no surveys, no maps or plans,—no publicity—contradictory regulations constantly emanating from the Government as to the disposal of land, all in force at the same time;—the public lands, in short, were regarded as a sort of secret service fund, out of which lavish grants were made to any individual, who happened to possess political, or personal, influence at home. The whole system was a system of favouritism, and jobbing; and, as a necessary consequence, the public derived not one shilling of advantage from all these lands, while to individual colonists the system was equally fatal. I might mention many instances of this, but I will content myself with one,—the case of the Swan River. Never was there a colony founded with more legitimate purposes, or with higher hopes. A cousin of one of the ministers of the day (Mr. Peel) was at the head of it; he took out a capital of 50,000*l*., which was invested in stock, seeds, agricultural labourers, and implements of various kinds. Many highly respectable individuals were joined with him in the undertaking; but all these advantages were neutralized, and destroyed, by the absurd principle on which the land was then disposed of. Mr. Peel began by taking to himself a grant of half a million of acres; the Governor took 100,000 acres, another person 80,000; and so an embryo right of proprietorship was spread over half the colony before a settlement of any kind was formed. In addition to these grants made in England, land was sold in the colony at 1*s*. 6*d*. an acre; and the consequence of these contradictory proceedings was, that the labourers who went out with Mr. Peel deserted him, and dispersed themselves over the wilderness; the stock was destroyed, the seeds rotted on the beach, and the colony itself was only saved from starvation by liberal supplies from the neighbouring colony of Van Dieman's Land. But in 1831, a new system was introduced; and certainly I cannot speak of that system in the presence of the noble Lord, the Member for Northumberland, without expressing my thanks for the service which that noble Lord has rendered to the cause of common sense and to the public interests, by the part he has taken in reforming the mode in which the Crown had previously disposed of the waste or public lands. The noble Lord has given up a great deal of what was most exceptionable in the former system. He introduced a system of sales in the colonies. He laid down a general rule, that there were to be no further grants of land in any place, to any person, of any class, whatever his influence might be,—a fair and equal principle, as far as it went. My only complaint against the noble Lord is, that his principle does not go far enough; and that even as far as it does go, it has not been honestly worked out. As to its not going far enough, the first objection to which it is open, is, that there is no guarantee for permanency, no stability, no act of Parliament, no responsibility;—that it is considered as mere waste paper in America; and that it is subject to be changed with every change in the Colonial Office, since it is upon the will of the Ministers of the day that it is made to depend; and, when the House reflects how many changes have occurred in this department in the course of only the last ten years, it will, I think, admit that any thing which is to be called a national system, should not rest on so precarious a foundation. Since 1830, that is to say, in nine years, there have been no fewer than seven Colonial ministers; Sir G. Murray, Lord Goderich, the noble Lord the Member for North Lancashire, the right hon. Gentleman, the Chancellor of the Exchequer, Lord Aberdeen, Lord Glenelg, and now the Marquess of Normanby; and he must be a bold man who would predict who would be Colonial Minister in June 1840. Now, no two of these ministers have agreed precisely upon the application of the principle which Lord Ripon introduced. The Chancellor of the Exchequer, when Minister for the Colonies, undid a great part of what Lord Ripon had done; but in return, he gave a Charter, on very sound principles, to South Australia, which his predecessor (Lord Stanley) had refused. The first step in the right hon. Gentleman's colonial career, however, was to devote a large portion of the funds arising from the land sales in New South Wales to colonial purposes, to colonial police, for instance, and not to immigration. Upon this subject, Dr. Lang, in his excellent work, makes these observations:—

"It was thus virtually enacted by the Secretary of State for the Colonies, that a large portion of that revenue, which had been so unexpectedly, and beneficently, created, as if by the immediate interposition of the providence of God, for the counteraction of the enormous moral evils that had resulted from the past mismanagement of the transportation system in Australia, and for ensuring the moral welfare of these Colonies in all time to come, through the importation of virtuous, and industrious, free emigrant families from the mother country, and to the exclusive application of which to that object the inhabitants of New South Wales were looking with intense anxiety, should be applied towards the perpetual maintenance of the Colony as a mere gaol, and dunghill, for the British Empire."

Sir, if this fact be true, and I am certain that it cannot be denied, I must tell the noble Lord, the Member for North Lancashire, that I consider it a misapplication—a bastard application, of the principle which was sanctioned by him in 1831, and I feel myself entitled to call upon him to assist me in ensuring to it the fair trial which it deserves. The noble Lord understands the principle too well not to see the absolute necessity of giving a Parliamentary sanction to it, before it can be worked out to any practical extent. He knows that the land sales must be anticipated before we can judge of their probable amount; he knows that competition for land, if it is to produce any extensive, or beneficial, results, must not be confined to the Colony; that we must bring Englishmen, and English capital, into the field, as well as colonial capital. Besides, we are bound to consider the peculiar position in which our Colonies are placed. We have no backwoods, no continuous communication with the Colonies. We are separated from them by a great gulf, which the poor cannot pass over unless they are assisted. We must bridge it over for them; we must give them a conveyance if we wish to take them there, and this on a sufficiently large scale to effect what is wanted, both in the colony and here. The actual produce of the land sales will not suffice to do this, but they will serve as an ample security for any money which may be required for the purposes of emigration, so as to bring the system into practical operation at once, if we have an act of Parliament as a guarantee. What, for instance, might not the United States raise upon a branch of their revenue, which has produced four millions sterling in one year? If we wish to equal America—if we wish to give the same impetus to our population—we must adopt her system. We must pass an act of Parliament as she passed an act of Congress;—we must create a responsible Land Board,—we must give to all classes the same advantages, and facilities, and then, but not till then, we may arrive at the same results. With an act of Parliament there would be no lack of capitalists to put the machinery in motion. The security is known, and liked, in the British money market already, and well it may be, since the whole loan is spent in adding to the value of the security. The land sales in New South Wales, though the land is sold at a most inadequate, and insufficient, price, (*5s.* an acre), while land in South Australia is selling at *20s.*, without the aid of English competition, or an adequate supply of labour in return, have realized a very large sum.

	Acres.		£.
In 1832 we sold	20,860	for	6,513
1833 - -	29,001	-	12,528
1834 - -	91,399	-	28,589
1835 - -	271,945	-	87,097
1836 - -	-	-	105,464
			£240,091

Now, 240,000*l.* would be a security for a million of money, if required as an Emigration fund, but not without the aid of Parliament. What, then, is the objection to the interference of Parliament? It may be said, that it is an invasion of the prerogative of the Crown; but the prerogative of the Crown, in this matter, simply means that the Crown is intrusted with the administration of the waste lands for the public good. It is a great and responsible trust. It is a moral trust. And I ask the Government, and more particularly my hon. Friend, the Under Secretary for the Colonies, whether, standing in the position in which he stands in this House, he can, without a blush, make himself responsible for the manner in which the prerogative of the Crown has hitherto been used? I ask him to look at the contrast between two cases—between the case of Canada, where the prerogative has exercised its virtues to the fullest conceivable extent, without check or limitation of any kind, and the case of South Australia, where the prerogative was very wisely waived. With the leave of the House—if I am not already tiring them—I will refer to those two cases more particularly. I wish that all the facts should be before the House, in order that it may the better judge of the results, which the exercise of the prerogative will inevitably produce. The House will find, in the contrast between Canada and South Australia, some encouragement to give extension to the principles of colonization for which I am contending. Canada was specially excluded by my right hon. Friend, the Judge Advocate (Sir G. Grey) from the inquiries before my Colonial Land Committee in 1836. The abuses in Canada had arisen long before my right hon. Friend had become connected with the colonial administration; and I am convinced that my right hon. Friend's only motive was, for the sake of the country, to prevent disclosures, which he knew must be made. Unfortunately, however, for my right hon. Friend's views, Lord Durham's Report has since been published. Lord Durham has investigated the whole case, and has declared the result of his inquiries. There is, therefore, now no hope of preventing a disclosure of the real facts, however discreditable they may be to this country in the eyes of the civilized world. And what is the inference that must be drawn from the statements of Lord Durham? Why, that the land question is mixed up—closely and inextricably mixed up—with the whole history of our difficulties in Canada. The strongest dissatisfaction exists there with the manner in which the prerogative has been exercised, with regard to the disposal of land. The system adopted has been one pernicious to the colony, and useless to us. In the evidence taken before the commission, of which my hon. Friend, the Member for Liskeard was at the head, there is nothing to be found but a tissue of peculation, jobbing, mismanagement, and favouritism, countenanced by all the responsible officers of the Crown, by Legislative councillors, by the Government themselves—every man, in fact, who had any influence, trying to make something out of land, to the ruin and destruction of every body else. And what were the results? In Upper Canada, out of 17,653,000 acres which had been surveyed, there remain only 1,597,019 acres unappropriated, 450,000 of which are required for roads. In Lower Canada, out of 6,169,963 acres surveyed, no less than 4,500,000 have been alienated. In Nova Scotia, of 6,000,000 acres surveyed, 5,750,000 acres are alienated. In Prince Edward's Island, it appears from the evidence, that 1,400,000 acres were alienated in one day, in blocks of from twenty to one hundred and fifty thousand acres. The greater part of this land has been granted to persons who have never taken possession of it at all, though, upon the true dog-in-the-manger principle, they excluded every one else. Three millions of acres are left to this day as clergy reserves, and Crown reserves, scattered over the whole surface of the colony, and operating as a bar to all improvement. Not one-tenth of the land thus wantonly squandered has ever been occupied, and not one-tenth of the part occupied has been brought into cultivation. I find, moreover, that the whole system of surveying in Canada has been conducted with the same reckless expenditure of means, and with the same unsatisfactory results. I find one gentleman receiving a salary of 500*l*. a-year for ten years, for superintending the sale of 100,000 acres of wild land. All titles are doubtful, in consequence of the inaccuracy of the surveys. Every duty of a government has been badly performed, while the country has been put to an enormous expense. With respect to emigration, of which the noble Lord, the Member for Northumberland, spoke in terms of very strong approbation, so far, at least, as the emigration agents are concerned, on the occasion of the discussion upon New Zealand last year,—with respect to emigration, I find Lord Durham distinctly stating in his Report, that nothing can be more inefficient, or worse, than the system of emigration to Canada as now conducted. There is great mortality in the emigrant ships, great distress on landing, no sort of interference by the Government on behalf of the emigrants, no attempt to make provision, or give assistance, during the time that assistance is most required. The people in the interior of the province are dispersed, and isolated from the want of roads. Most of the settlers are exceedingly poor. The markets are few, and almost inaccessible. There are no schools, and the clergy reserves fail to afford the consolations of religion to one-half of the population. The colony is in a state of complete stagnation and decay. The farmers are ruined by the loss of their capital through the want of communications, which they ought to have, and of the emigrants from this country not less than three-fifths have been forced to re-emigrate to the United States, who gain, by our mismanagement, in population and national wealth. Such is the state to which the Prerogative has reduced one of our finest colonies—a possession which, under happier auspices, might have been one of the most brilliant appendages of the British Crown. We have no means of getting over the difficulties which have been created by our own folly, but by retracing our steps. We must act upon the system, which Lord Durham has, with so much firmness and acuteness, recommended. We must impose a tax on wild land, sufficient to bring a portion of it every year into the market by making it too dear to keep; and we must then apply a sound principle of colonization, and emigration, to the Canadas, as the only way of making amends for the immense evils inflicted by the bad system pursued up to the present time. I ask my hon. Friend, the Under Secretary for the Colonies, if he can gainsay one word of the statement which I have made, as to the system adopted in Canada, by each successive Government for the last sixty years? My hon. Friend cannot do it. When he stands up, he must admit not only that the whole of those evils exist, but that they have been produced by the manner in which the Prerogative has been hitherto applied to the disposal of land in that colony. But have we no example of an opposite system to look to? Yes, we have the example of South Australia, where the Prerogative of the Crown has never been allowed to interfere; and I must now beg the attention of the House to the facts which I am about to state respecting this colony, as they are extremely curious. South Australia was founded on the 15th of August, 1834, by an Act of Parliament. The commissioners of Crown lands were appointed in May 1835, and the first vessel was chartered on the 24th of March, 1836,—three years ago,—at which time South Australia was a desert, on which a human foot had hardly ever trod. What is its condition now? The sales of land in South Australia up to the present time, (24th of June, 1839), were:—

Acres.		Amount.
60,643 at 12*s.* per acre	- -	£36,404
88,095 at 20*s.* ditto		88,095
148,738		£124,499

These were principally sales effected in England, but the total included the sales effected in the colony, up to the 22nd January, 1839, which amounted to 22,000*l.* As to emigration from this country, it appears that 7,482 persons have gone out, in seventy-one vessels, of 39,107 tons, at a cost of about 18*l.* for each adult. Adding to these 900 Germans, and about 600 emigrants from the neighbouring colonies, the total would be 8,982. The population of South Australia, therefore, is probably by this time between 9,000 and 10,000 souls. In the port of Adelaide the number of vessels which entered the harbour bearing the British flag, in 1838, was 101. The rise in the value of land in Adelaide is something perfectly incredible, but it only corresponds with the increase which the colony has made in every other respect. Captain Hindmarsh, the first Governor, purchased two rural sections of 134 acres, for 80*l.* each. They were sold when he was leaving the colony for 1,000 guineas each. The town of Adelaide now contains 700 houses of stone, brick, wood, and pisé, and about 300 mud and rush huts, according to the latest returns. Single acres in Adelaide have been sold for 1,000*l.* each. The twentieth part of one of these acres, which cost originally 12*s.* was recently sold for 70*l.* Mr. John Rigge, a proprietor of the town, lets a town acre at a rent of 50*l.* per annum. Others have realised higher profits on their purchases. The half of one of Captain Hindmarsh's town acres has been let at 50*l.* per annum, and an hon. Friend of my own, who was amongst the earliest of the fortunate adventurers in South Australian lands, has informed me that he has just let a town acre, for which he gave 12*s.*, in 1835, to a highly respectable and responsible tenant, at an annual rent of 100*l.* The ordinary profits of sheep farming in the colony are estimated at 80 per cent. There are two banks in Adelaide, and a third is in progress. We have now South Australian Packet ships,—a South Australian Railway Company with a capital of 25,000*l.* for constructing a railway from Adelaide to the Port, about six miles; and in addition to the two South Australian newspapers established in the colony, we have the *South Australian Record* in England, which has a circulation of 2,000 numbers every month, among those who take an interest in the new sources of prosperity which colonization is opening to this country. Now, I entreat the House to contrast these facts with the statements made by Lord Durham with regard to Canada a few months ago. The new principle of colonization in South Australia has been fairly tested, and the increase of the land sales in 1838, as compared with 1837, is the best proof of its soundness. The money realised by sales of land in the last five months of these two years was as follows:—

	1837.	1838.
August - -	£480	£4,640
September -	160	2,960
October - -	480	2,640
November - -	560	1,760
December - -	480	11,400

Now, it is my desire to see the principles acted upon with regard to South Australia universally applied. I want to see them applied to all colonies, in which they can be fairly brought into operation; but they can only be applied to other colonies in the same way, namely, by an Act of Parliament. It is not a thing that prerogative, without the interference of the Legislature, can do. I insist on this point the more, because it is one on which her Majesty's Ministers seem to entertain a doubt. Without an Act of Parliament the system is worthless as regards the public at large: it never can produce any thing but half measures on the part of Government, and the most unsatisfactory, and insufficient, results. I may be told that the question of jurisdiction is full of difficulty. No doubt it is. Difficulties may be raised, which it will require some management to meet. But the right of the mother country is unquestionable, for the sovereignty of a colony is never abandoned by the parent state. It is not enough that men have been located upon one portion of a colony, in order to have a claim over the remainder. The colonists have their rights within the limits of the settled lands, but the home Government retain its original rights; and in giving a local government to those, who occupy part of the land of a colony it by no means follows, that the inherent rights of the Crown to deal with the waste land which remains, is given to them also. The right of disposing of it is not delegated to any number of settlers, or to any colonial legislature that may be formed. But suppose there be a disputed jurisdiction: we know from Lord Durham's report that the colonial legislatures would gladly concur in the introduction of a sound system of colonization, in which they would have as great an advantage as the mother country. In fact, they claim the sovereignty over waste lands only in the hope of preserving them from abuse, and as a security against jobbing. The present system is just as destructive to them as to us. The question of jurisdiction may, therefore, be very easily settled by the concurrent action of the Imperial Parliament, and the colonial legislature, if the Government be willing to act upon any defined and intelligible plan. We must always retain a great power over the colonies, because they want the stream of emigration which it is in our power to direct upon them. Over emigration, at all events, the mother country has perfect control. If Canada interpose difficulties in the way of a sound system of colonization, this country may direct its emigration to Australia. England is, in fact, bound to direct her emigrants to those places in which, as colonists, they will be enabled to apply their energies in the most effective manner, and derive from their labour the most ample reward. It is perfectly clear that we have duties as a nation to discharge towards emigrants, whom we induce, on the faith of our representations, to forsake their native land. There is one passage in Lord Durham's Report in which he lays down the full extent of the national obligations towards colonists in the strongest terms. After speaking of the disasters to which emigrants to Canada have been exposed, Lord Durham says:—

> "In the report on emigration, to which I have alluded before, I find favourable mention of the principle of intrusting some parts of the conduct of emigration rather to 'charitable committees' than to an ordinary department of Government. From this doctrine I feel bound to express my entire dissent. I can scarcely imagine any obligation which it is more incumbent on Government to fulfil, than that of guarding against an improper selection of emigrants, and securing to poor persons disposed to emigrate every possible facility and assistance, from the moment of their intending to leave this country to that of their comfortable establishment in the colony. No less an obligation is incurred by the Government, when, as is now the case, they invite poor persons to emigrate by tens of thousands every year. It would, indeed, be very mischievous if the Government were to deprive

emigrants of self-reliance, by doing every thing for them; but when the State leads great numbers of people into a situation in which it is impossible that they should do well without assistance, then the obligation to assist them begins; and it never ends, in my humble opinion, until those who have relied on the truth and paternal care of the Government, are placed in a situation to take care of themselves."

In this doctrine I entirely concur, and I hope that whenever the question is dealt with by the Government, as it will be, and must be, eventually, this portion of the subject which is most important, since it relates to the well-being of thousands of humble individuals who have not the information necessary to enable them to protect themselves, will receive the most anxious and ample consideration. The Government, however, both in this and in its mode of dealing with the waste lands, has only, in my opinion, to act on a sound and intelligible principle, to insure the hearty concurrence of the colonial legislatures.

I have stated in my resolutions that a separate department would be required to take charge of the details of the plan. My hon. Friend, the Under Secretary for the Colonies, will admit that, with the manifold duties which the Colonial Office has already to discharge, it would be utterly impossible to add to them a task of such magnitude. It is a task which will require the time, and ability, of many able men. The interest and feeling about emigration are now universal. That feeling the Government may guide, but cannot dam up, or control. We find now, in this country, what has not been seen before for the last two centuries, men of high connexions and family interesting themselves in colonization adventures—disposed to give up the refinements of highly-civilized life, with the dependence which is the lot of younger brothers in this country, whose energies can find no outlet in our overcrowded professions—and prepared to carve out their own fortunes in the wilderness. Why should they not have full scope for these feelings, highly-honourable and manly as they are, and not only honourable to themselves, but beneficial to us. My hon. Friend, the Under Secretary for the Colonies, and the noble Lord, the Member for Northumberland, know that the Government cannot check the tide of emigration. Last year Ministers were entreated to take into their own hands the guidance of the movement by which New Zealand is about to be colonized; and had they consented, they might have prescribed the conditions, and laid down the rules by which all parties would have agreed to abide. They refused, however; and what is the consequence? New Zealand is colonizing itself. Enterprise and energy in this country cannot be repressed by the refusal of the Government to aid them in their attempts. Some of the first men in the kingdom are taking part in the colonization of New Zealand, in a spirit similar to that which distinguishes the history of maritime adventure in the reign of Elizabeth. Lord Durham is at the head of the New Zealand Land Company. Lord Petre is one of the Directors. So are the hon. Member for Thetford (Mr. F. Baring), the hon. Member for Hull (Mr. Hunt), the hon. Member for Caithness (Sir G. Sinclair), the hon. Member for Chichester (Mr. J. Abel Smith), and the hon. Member for Sunderland (Alderman Thompson.) The brother of the hon. Member for Leeds (Sir W. Molesworth), has embarked his fortune in this colony, together with the sons of Lord Petre and of the Member for Caithness. The feeling which influences these gentlemen cannot be repressed, but it may be regulated and guided by the co-operation of the Legislature. This New Zealand Association has sold, up to this day, 666 sections, containing 67,266 acres of land, and the sale has produced within a fraction of 70,000*l.* There is another part of our colonial dependencies—Natal, and the south-eastern coast of Africa, with respect to which there is an absolute necessity that the Government should adopt some measures. We have had petitions presented from Glasgow, from Liverpool, from the merchants connected with the African trade in London, calling on us to deal with this question of Natal. There are still more cogent reasons for doing so. There has been a re-emigration, from the Cape, of 5,000 armed Boors of the old Dutch race, who have declared themselves independent of Great Britain, and have seized a large tract of unoccupied territory, which forms the district or country of Natal. This re-emigration is owing as much to economical as to political causes. Population at the Cape is becoming cramped for room, while, in the Natal country, there are fifteen millions of acres of fertile and well-watered land, unoccupied by any native tribes. Under these circumstances, emigration in Southern Africa will go on, and the only question is, whether it shall go on uncontrolled, and under irresponsible guidance, or whether it shall be properly directed. This calls for the instant attention of the Government, which cannot leave matters as they are. The evils of the false and bastard system on which we are now proceeding are most acutely felt. The hon. Member for Kent, whom I now see in his place, has taken great interest in the question of the aborigines. Now, both in Southern Africa, New Zealand, and the other islands of the South Seas, the aborigines have been the great sufferers by the existing system of emigration, which has inflicted upon the native inhabitants the worst evils of the worst periods of colonization, without any of the good. The scum and refuse of the population of this country are directed there, instead of the best and most orderly. Mr. Williams, the missionary, gives an account of one fiend in human shape who has taken up his abode in one of the South Sea islands. Having brought with him the arts and weapons of civilization, it is stated that he has destroyed, without risk to himself, 700 human beings, during the space of four or five years. The settlers in New Zealand have introduced muskets, gunpowder, rum, spirits, lawless habits, and whatever it is most desirable to exclude. The worst evils of civilised society are thus engrafted upon the passions of the barbarians, and the seed thus sown is producing a plentiful crop of immorality and bloodshed. Against this I ask the friends of the aborigines to set the establishment of regular intercourse, under fixed and well-ascertained laws, and the gradual introduction of civilized habits, arts, industry, and trade, which must be the best preparation for Christianity itself. I cannot understand that false and mawkish sensibility as to the state of the aborigines, which opposes a bar to colonization, when, with proper precaution, it ought to be as beneficial to them as to ourselves. I shall be told, perhaps, that the two races will not amalgamate; but this is not true. It may be true of the warrior tribes of North America; but there are, at this day, eight millions of Indians employed in agriculture in Mexico, Columbia, and Peru. The great desideratum is, to regulate, upon principles of strict justice, the intercourse between civilized and uncivilized man, and to this a proper disposal of colonial lands, is the road. The rights of the aborigines ought to be respected. They should be most carefully and tenderly treated, and justice should be done them in every way; and therefore I repeat it, they ought no longer to be left a prey to the present system of colonization, which inflicts upon them all the evils of civilization, without communicating any of the good. Why not apply this principle at once to Natal—a country repeatedly ceded to British subjects by Chaka and Dingaan, the Zulu chiefs — rich in pastures — admirably adapted to sheep farming—the natural emporium of the Bechuana and interior trade—and placed by steam communication within four days of the Cape—in lieu of leaving it in its present most anomalous state, an English garrison being stationed at the present moment at Natal, for the express purpose of excluding British ships, which are not allowed, without a special licence, to enter the port? Sir, in preaching this doctrine of colonization, I do not look to any barren extension of territory; I look to a great impulse being given to our manufactures and trade—a relief from pressure here—a rapid increase in our colonies in consequence of that very relief. Colonial markets are the best and least fluctuating of markets for the manufactures of this country. They afford a market which wil survive the convulsions of war or Revolution itself. Plant a colony of men imbued with English wants, tastes, habits, and feelings, upon a virgin soil, where each man can raise ten times the amount of exchangeable produce that he could have raised at home, and you create at once the most certain demand for every article that the manufacturing industry of England can supply. A very short reference to the state of our trade with different foreign countries as compared with our colonial trade will prove this—the one being stationary, the other always an increasing trade when the colonies have fair play, and this whether we retain our political connexion with them or not. It grows with their growth, and strengthens with their strength, even where the connexion with the mother country is dissolved. Thus, I find from some old returns at the Board of Trade, that the exports from England to the United States before the war of Independence, amounted, in 1762, to 1,667,285*l.*, and, in 1773, to

2,462,148*l.* The ruin of England was predicted when these colonies were lost; but how far, in reality, has trade suffered by their independence? In 1827, the exports from England amounted to 7,018,272*l.*; in 1831, to 9,053,583*l.*; and, in 1836, to 12,425,605*l.*, or to more than one-half of the value of our shipments to the whole of Europe, with a population fifteen times as great as that of the United States. Look, on the other hand, at our trade with European countries, fluctuating as it does, in consequence of political changes, and of alterations in their tariffs. To Russia, with its enormous population, our exports, in 1827, were only 1,408,970*l.*; in 1834, 1,382,300*l.*; and, in 1836, 1,743,433*l.* The exports to other countries were—

	In 1827.	1836.
To Prussia . . .	174,338*l.*	160,782*l.*
Germany . .	4,654,618	4,463,729
Portugal . .	1,400,044	1,085,934
Mexico & Colombia	906,772	439,994

Compare with this the trade with our own colonies. The exports to the British North American colonies were, in 1827, 1,397,350*l.*, and in 1836, in spite of the Canadian disturbances, 2,732,291*l.* The exports to the West Indies were, in 1827, 3,583,222*l.*, and in 1836, 3,736,453*l.*, notwithstanding that those colonies have undergone the greatest social change that was ever accomplished without bloodshed. The increase of trade with other colonies shows something of the rapidity which marks the case of South Australia, to which I have already referred. The exports were:—

	In 1827.		1836.
New South Wales & Van Diemen's Land	449,892*l.*	—	1,180,564*l.*
Cape of Good Hope	216,558	—	482,315
Algoa Bay alone .	55,201	in 1834	236,000,

considerably exceeding the total amount of our exports to Sweden, Norway, and Denmark, in 1827, which was 190,776*l.*, and nearly equalling it in 1836, when it reached 284,079*l.* The exports of Van Diemen's Land have risen in twelve years from 14,000*l.* to 420,000*l.*; the amount of wool exported being in 1827, 192,075 lbs., and in 1835, 1,948,800 lbs. The exports of New South Wales were, in 1828, 84,008*l.*, and in 1836, 513,976*l.*; the quantity of wool in 1828 being 138,498 lbs., and in 1836, 5,240,090 lbs. Sir, these facts are my case. I have now done with details. There are some people, indeed, who say we don't want to extend our colonies—we have "colonies enough." I ask in return, have we markets enough? Have we employment enough? Are wages high enough, and profits high enough? Is there no political discontent—no physical suffering? Yet the National Petition, with its twelve hundred thousand signatures, stands for discussion to-night; a petition which, as I began by proving, is at once the child, and the emblem, of national distress. That distress may be overcome, but not by refusing to look the danger in the face. Our trade is diminishing—our exports are changing their character—foreign competition is growing up. Is it not desirable, and wise, to open a safety-valve in time? I believe that the most effectual remedy will be found in the resolutions which I have laid upon the Table of the House. I believe, that they will tend to promote the welfare of many millions of human beings, and to enlarge the sovereignty of the British Crown. The Government is not called upon to incur any risk in order to make the attempt, but simply to lay down sound principles, which individual energy, and enterprise, will work out. If I am asked what is to be the result of such an experiment, I say the creation of new communities, in which the laws, the language, and the virtues of England, will be preserved long after the ties which connect them with the Mother country are dissolved. As to our future hold upon these communities, we may let futurity take care of itself. It is enough for us to know that, in the plan proposed, there is neither cost, nor outlay, nor risk; while if it succeeds—and it will succeed if we have the wisdom to let our colonies govern themselves, we may have more people in the colonies, and more people at home, and all better off. I hope there will be no lurking indisposition on the part of the Government to entertain the question fairly, in all its comprehensive bearings; and I trust that my hon. Friend the Under Secretary of the Colonies will not, by committing himself against it, shut himself out from the greatest career of practical utility that has ever been opened to an English statesman at a most critical time. With these feelings, Sir, I beg leave to move the following resolutions:—

1. That the occupation, and cultivation, of waste lands in the British colonies, by means of emigration, tend to improve the condition

of all the industrious classes in the United Kingdom, by diminishing competition for employment at home, in consequence of the removal of superabundant numbers, creating new markets, and increasing the demand for shipping and manufactures.

2. That the prosperity of colonies, and the progress of colonization, mainly depend upon the manner in which a right of private property in the waste lands of a colony may be acquired; and that, amidst the great variety of methods of disposing of waste lands which have been pursued by the British Government, the most effectual, beyond all comparison, is the plan of sale, at a fixed, uniform, and "sufficient" price, for ready money, without any other condition or restriction; and the employment of the whole, or a large fixed proportion, of the purchase-money, in affording a passage to the colony, cost free, to young persons of the labouring class, in an equal proportion of the sexes.

3. That in order to derive the greatest possible advantage from this method of colonizing, it is essential that the permanence of the system should be secured by the Legislature, and that its administration should be intrusted to a distinct subordinate branch of the Colonial Department, authorised to sell colonial lands in this country; to anticipate the sales of land by raising loans for emigration, on the security of future land sales, and generally to superintend the arrangements by which the comfort and well-being of the emigrants are to be secured.

4. That this method of colonizing has been applied by the Legislature to the new colony of South Australia with very remarkable and gratifying results, and that it is expedient that Parliament should extend the South Australian system to all other colonies which are suited to its operation.

Sir *William Molesworth*:* In seconding the motion of my hon. Friend, I need not, after his able speech, enter into any lengthened discussion of the principles upon which his motion is founded. My hon. Friend proposes, first, that in every one of the colonies a certain price shall be affixed to its waste lands, that price to vary according to the circumstances of each colony; and, secondly, that the net proceeds of the land-sales shall constitute an emigration fund, each colony to be furnished with emigrant labour in proportion to its own land-sales. The object of these regulations is first, by a fixed price, to put an end to the favouritism and other abuses, which have always resulted, and must, in my opinion, necessarily result from any system of free or conditional grants of land. Secondly, the fixed price ought to be a considerable one, in order to prevent individuals from acquiring large tracts of land, without any intention to cultivate them, and merely in the hope, that, at some future period, they may become valuable by the increase of wealth and population. And here I may remark, that all experience and reason have shown that such excessive appropriations are most injurious to a new community, by interposing deserts, and cutting off communication between its cultivated parts. And, lastly, the object of employing, in the promotion of emigration, the funds raised from the sale of land, is to afford a profitable field of employment for the surplus population of this country, and to provide the purchasers of colonial land with a steady supply of labour, wherewith to render their land productive, and worth the price put upon it. For land, without labour to cultivate it, is worthless. It is evident indeed that a few half sterile acres in this densely-peopled country are, on account of the facility of obtaining hired labour, far more valuable than millions of the most fertile acres, in a place, where no labours can be obtained to reap the fruits of the soil. Now, if the regulations of my hon. Friend be adopted, the purchasers of colonial land would not merely purchase a certain number of acres, but would indirectly buy the services of a number of labourers proportioned to the amount of land bought. As the chief object of putting a considerable price on waste land is to obtain a supply of labour, it is evident that the price of waste land ought to be so high as to ensure a sufficient supply of labour to cultivate the appropriated land in the most advantageous manner; that is, to raise from it the greatest amount of produce compared to the number of hands employed: for in that case wages and profits would be high, and the community flourishing. For this purpose the price of land in each colony should be such, as, first, to produce a fund sufficient to convey to the colony the number of labourers required; and, secondly, to prevent the labourers, so conveyed, from passing from the state of labourers to that of land-owners, before their place can be supplied by fresh immigrants. These are the objects of the motion of my hon. Friend. They are founded upon the self-evident fact, that land, without labour to cultivate it, is worthless. My hon. Friend, therefore, proposes to make the waste lands of the colonies valuable, by making the means of conveying labour to the colonies. My hon. Friend's motion is likewise founded upon the now acknowledged fact, that individuals (particularly from this country) will not labour for hire, when they can easily become independent landowners, even though their pecuniary gains as petty landowners be much less, than the wages they could earn as labourers. Therefore, if the price of waste land in a colony be very low, emigrant labourers too rapidly pass from the condition of labourers to that of landowners, and steady labour for hire is unattainable; consequently in a colony so circumstanced there would be very little or no combination of labour, no division of employment, no extensive branches of industry, and no profitable investment for capital; and this combination of circumstances would ultimately occasion a cessation of any demand for labour, consequently wages and profits would be low, and the community poor and half civilized. The history of colonization offers but too many instances of such a result having been brought about by an excessive facility of acquiring land. On this account my hon. Friend proposes to render the acquisition of waste lands difficult, by putting a considerable price upon them. In support of this plan I must observe, that experience has shown that, (except when accidental circumstances have obstructed in some considerable degree the appropriation of waste land) the only colonies, in which there have been from their commencement combinable labour and extensive production, and which have rapidly increased in wealth, have been colonies, in which slavery, in some shape or other, has been established; such, for instance, as that of the negroes in the southern states of America, and in our own West-Indian Colonies; of indentured labourers in the early times of Pensylvania, and of convicts in the penal colonies of Australia. As far as production is concerned, the effects of the plan of my hon. Friend would be the same as those of slavery; namely, it would ensure the existence of combinable labour, of extended and profitable production, and of wealth. The moral means by which this result would be brought about, would be far different from those of slavery. Under slavery, the labourer is directly compelled to toil by the lash, without any prospect of bettering his condition. Under the plan of my hon. Friend, the labourer would be indirectly compelled by the price of land to sell his labour, during a certain time, for high wages, with a hope, however, of ultimately not only acquiring landed property, but likewise of becoming an employer of labour himself: and this hope he could not entertain, were the price of land so low that, in a short period of time, the mere emigrant labourer could acquire a sufficient amount of land to maintain himself upon. I will not, after the able exposition of my hon. Friend, enter into any further discussion of the principles upon which his motion is founded. Though but recently discovered, the justice of those principles have been acknowledged by most persons well versed in the science of political economy. They were first put forth about the year 1829 by my friend, Mr. Wakefield, to whom, as my hon. Friend, the Member for Sheffield most justly observed, the great merit of their discovery is exclusively due. In 1833 they were fully developed, in an admirable work of Mr. Wakefield's, called "England and America." The preceding year they had been partially adopted by the Colonial Office, in certain regulations, known by the name of Lord Howick's Regulations, to the utility of which, as far as they went, ample testimony has been borne. In 1833 they were embodied in the Act for creating the colony of South Australia, and they constitute the basis of that rapidly flourishing community. In 1836, they were distinctly recognized by Lord Glenelg, in a circular addressed to the West-Indian Colonies, but unfortunately for the industry of those colonies, they have since that period been entirely overlooked. In the same year they were carefully investigated and approved of by a committee of the House of Commons, of which my hon. Friend, the Member for Sheffield, was the Chairman. Last year they were fully confirmed by the numerous and intelligent witnesses examined before the Transportation Committee. They form no inconsiderable and by no means the least valuable portion of Lord Durham's Report on Canada. My hon. Friend, the Member for Liskeard, (Mr. C. Buller) has adopted them in his able report on the waste lands of the North-American Colonies. And, lastly, within a few weeks, a company with a capital of 250,000*l.*, has been established on these very principles, to colonize New Zealand. The facts, which I have just stated, show how carefully the principles contained in the resolutions of my hon. Friend have been examined, and how highly they have been approved of by shrewd and intelligent men. I will now, with the permission of the House, attempt to comply with the wish of my hon. Friend. My hon. Friend has requested me, as having paid much attention to the affairs of the penal colonies of Australia, and having been Chairman of the Transportation Committee, to show to how great and important an extent the principles, upon which his measure is founded, are immediately applicable to New South Wales and Van Diemen's Land. For that purpose I must first make a few remarks with regard to the history of the industry and productions of those colonies. The House is aware, that the colony of New South Wales was founded in 1788, as a place of punishment for criminals. For many years after its commencement it was inhabited almost entirely by convicts, their superintendants, and the soldiers appointed to guard the prisoners. The first persons who acquired landed property in that colony, were some officers in the regiments quartered there; some convicts, the period of whose sentences had expired; and a very few emigrants. To these persons the Government made grants of land, frequently on the condition that they should maintain a certain number of convicts. These convicts became the servants, or rather the slaves of the settlers; for they were subject to flagellation, and other punishments, for neglect of work. They were employed by their masters in cultivating the land from which they raised a surplus produce. For that surplus produce the Government and convict establishments afforded a most excellent market. By these means, and by others of not so creditable a description, the first settlers rapidly made money; they obtained more land, and more convict servants, and accumulated capital: emigrants arrived from this country, and the colony appeared to be most flourishing. The history of the industry of Van Diemen's Land is nearly the same as that of New South Wales. It was first settled in 1803, as a dependency of New South Wales, and in 1825 was made independent of that colony; it is indebted for its wealth to the slave labour of transported convicts, and to the large sums expended on it by this country. In proof of the rapid progress of these colonies in production and commerce, I will read to the House a few facts which I have collected from Parliamentary returns. The House is aware, that wool is the staple produce of Australia. The sheep are chiefly of the Merino breed, with a slight cross of those from Bengal and the Cape of Good Hope. Their fleeces are of the finest quality, averaging about two and a half pounds weight, and worth from one to three shillings a pound. In 1796, the number of sheep in New South Wales was only 1,531; during the next year, Captain M'Arthur (a name which will ever be celebrated in the industrial history of that colony), obtained three rams and four ewes of the Merino breed. He applied himself to the rearing of fine-wooled sheep; he obtained, at different times, considerable grants of land from the Government (in all, 18,000 acres), and a number of convicts as shepherds. His flocks were the best in the colony, and to his exertions in no small degree is to be attributed the extraordinary success of this branch of industry in Australia. About the beginning of this century, the number of sheep, in New South Wales, amounted only to 6,757; in 1821 they were estimated at 120,000; in 1830 they had reached 500,000; in 1834 they were not less than one million; and now they probably exceed three millions. The first return, that I am able to find, of the quantity of wool exported from New South Wales, is for the year 1807; it amounted only to 245lbs.; in 1815 it had increased to 32,000lbs.; in 1820 to 100,000lbs.; in 1828 to 834,000lbs; and in the same year, from the two colonies of New South Wales and Van Diemen's Land, 1,574,000lbs. were exported. Since 1828 the quantity of wool received from those colonies has increased fivefold; last year it amounted nearly to 8,000,000 of pounds weight, the value of which could not have been less than 600,000*l.*, probably somewhat more. Thus the Australian colonies, which at the commencement of the century did not export a single pound weight of wool, now supplies us with about one-seventh of the whole quantity of wool imported. And I feel persuaded, that in less than another half century, if those colonies be properly managed, our commerce with them in wool alone, will exceed our whole trade in that commodity at the present moment. There is known to be, in Australia, an all but indefinite amount of the finest pasturage lands; on these lands, flocks of sheep, with proper care, will double themselves in every two or three years; all that is wanted is, a sufficient amount of labour, and how, by adopting the principles of my hon. Friend, that amount of labour can be obtained, I will presently show. First, however, I will state some other facts, with reference to the progress of the industry of the penal colonies. The value of the fisheries of Australia has increased with great rapidity. They consist chiefly in the pursuit of the black and sperm whales.—In 1828 they produced about 38,000*l.*; seven years afterwards, in 1835, they had increased nearly sixfold, to 214,000*l.* The value of the exports from New South Wales and Van Diemen's Land, in 1828, did not exceed 181,000*l.*; in 1836 they amounted to 1,168,000*l.*, or about 15*l.* a head for every free person. The value of the imports into those colonies, in 1828, was 811,000*l.*; in 1836, it had more than doubled, being about 1,795,000*l.*, or 23*l.* a head for every free person. The shipping of these colonies has likewise doubled during the last eight years. The number of vessels entered inwards, in 1828 was 268, with a tonnage of 56,000 tons; in 1836, the number of vessels entered inwards was 561, with a tonnage of 124,000 tons. In 1828, the number of vessels entered outwards was 202, with a tonnage of 44,000 tons; in 1836, the number of vessels entered outwards was 541, with a tonnage of 116,000 tons. Comparing the trade, revenue, and expenditure of the penal colonies with those of the United Kingdom, I find that, in proportion to their respective populations, the exports of the penal colonies, are seven times, the imports ten times, the revenue twice, and the expenditure one and a half times, as great as those of the United Kingdom. For the purpose of showing the great commercial importance of these colonies, and their value to this country, as compared with other portions of our colonial empire, I have instituted a comparison between their trade, and that of the larger of our other colonies. I find that in 1836 the commerce (including under that term the sum of the exports and imports) of this country with the penal colonies, whose population did not then exceed 125,000 persons (convicts as well as free), was equal to four-fifths of our commerce with the two Canadas, containing a population of one million; to three-fourths of our commerce with Jamaica, containing a population of 361,000; to nearly double that with the Mauritius, and to one-third of that with our Indian empire. The extent of the market of colonies for the products of the industry of this country may be inferred from the fact, that in 1836, the exports of British produce and manufactures to New South Wales, and Van Diemen's Land, were equal in value to about one-eighth of the whole of our exports to the colonial empire, whose population was nearly one hundred millions; to two-fifths of the exports to the North American colonies; to three-sevenths of the exports to India: they were nearly equal to the exports to the West-Indian colonies, both insular and continental; and were four times as great as those to the Mauritius. And, lastly, I must state as a proof of the wealth of these colonies, that in the immediate vicinity of Sydney, the value of land is from 100*l.* to 1,000*l.* an acre; and in Sydney itself, it has been sold at the rate of 10,000*l.* an acre. I wish to direct the attention of the House to the facts I have just stated, in order to impress the House with the importance of the subject which I am now about to discuss; namely, the causes which threaten the industry of these colonies, and the necessity of adopting the principles of my hon. Friend, in order to provide them with the supply of labour, requisite to maintain them in their present state. I have already remarked, that the rapid progress of these colonies is to be attributed, not to the circumstance that the Government has furnished the settlers with land free of expense; but that it has provided them with the combinable labour which renders that land productive, and which consists in convict slaves, transported at the cost of this country; and in addition to this, that the Government has created an excellent market in the form of convict, military, and civil establishments, paid for out of the British estimates. Since the commencement of the two colonies, the Government has granted away nearly seven millions of acres, only a trifling portion of which, and that during the last three or four years, has been paid for. About 110,000 convicts have been transported, most of whom have been assigned as labourers; at the present moment there are probably between 30,000 and 40,000 convicts in private service. The amount of British funds, expended upon these colonies since 1786, was estimated by the Transportation Committee to have been at least eight millions of pounds sterling; the sum defrayed out of the public purse for these colonies, in 1837, was 461,000*l.*, having increased from 354,000*l.* in 1831. These were the elements of the wealth of the penal colonies; namely, land well adapted to the growth of wool and other produce; a steady market at hand; and a constant and abundant supply of labour. As long as a sufficient supply of labour can be obtained, so long will these colonies prosper; and this brings me to the consideration of the present state of the Australian colonies, and to the deficiency of the supply of labour which exists at present, and will augment, unless means be taken of providing those colonies with labour from other sources than from the gaols of this country, which have of late become inadequate. During the earlier period of these colonies the supply of convict labour exceeded the demand, and the Government granted various indulgences to the settlers, who would take convicts under their charge. At a subsequent period the supply of convict labour only equalled the demand; then there was no difficulty in disposing of convicts, and the strange system of confiding the punishment of offenders to the discretion of private individuals (called the assignment system) acquired its full extension. At present the supply of convict labour is much less than the demand; and the competition for labourers is very great. New South Wales, especially, is suffering from this cause. The flocks of sheep, from the want of shepherds, are twice the size they ought to be; numbers of sheep perish for want of care; and many proprietors, I have been informed, have been obliged to destroy their lambs. It was estimated last year, that no less than ten thousand labourers were required for that colony alone. Every arrival of late from New South Wales has brought complaints of the want of labour. The diminution in the general and in the land revenue last year may in some degree be attributed to this cause, the effects of which will every year become more striking, unless vigorous measures be adopted to remove the disproportion now existing between the demand for, and the supply of labour. That disproportion is the result of a variety of causes; first, of the great increase of capital to which I have already referred; and which has occasioned a great increase in the demand for labour, in order to render that capital productive. Secondly, the deficiency of labour may be partly attributed to the manner in which the Australian colonies have been peopled; namely, chiefly by convicts, with a very unequal proportion of the two sexes. Population has, in consequence, increased very slowly; as the convicts who die rarely leave behind them children to supply their places. The fresh importations of convicts does little more than fill up the void occasioned by deaths, and by the secession of convicts from the class of labourers. Thus the transportation of convicts does not actually afford any additional supply of labour to the settlers in New South Wales, nor enable them to extend their field of production, in proportion to the extension of their capital. Thirdly, the employment of criminals as labourers has made various descriptions of labour discreditable for persons who have not been convicted. The free emigrants, who of late years have arrived in New South Wales and Van Diemen's Land, are therefore disinclined to adopt occupations similar to those performed by convicts; they are unwilling to labour in company, and thus to confound themselves with criminals under punishment. Precisely the same feelings act upon free persons in the penal colonies as operate upon the white population in the southern states of America, and which make it disgraceful for a white man, and cause him to be stigmatised as a mean white, if he consent to work in those kinds of industry which are the usual employments of the black race. And, lastly, this disinclination to labour for another is strengthened in the Australian colonies by the facility with which land can be obtained. For the price of land is so low, that any person, who has obtained a small sum of money, can set up for himself; and even the mere emigrant labourer can in a short time, by the saving from his high wages, become the independent proprietor of a small plot of land. These are the main causes of the disproportion between the supply of, and the demand for labour in New South Wales. In Van Diemen's Land the same causes do not operate to the same extent; because the territory of that colony is comparatively limited, and most of the fertile land is already occupied. In Van Diemen's Land, therefore, the yearly importation of convicts from this country is nearly sufficient for the labour market of that colony. In New South Wales this is not the case. If, however, that source of labour be cut off, without new channels of supply being opened, the want of labour would be most intensely felt in both colonies. Now I feel convinced, that no government can long permit the existence of the present system of transportation. The employment of convicts as slaves (that is, the assignment system), has been condemned by every authority, as a most unequal and improper punishment. It was allowed, even by those most interested in the economical prosperity of the penal colonies, to be the source of innumerable and incalculable moral evils; and to have produced communities, as depraved as they are wealthy; in both respects without parallel in the world. Its discontinuance has been recommended by the noble Lord, the Member for Stroud (Lord John Russell), and by the late Secretary of State for the Colonies (Lord Glenelg). Orders have been transmitted to the governors of these colonies to the effect that no more convicts shall be assigned to settlers. Whether or not convicts should continue to be sent to these colonies to be punished in gaols or penitentiaries, is (though in itself a question of great importance) one that I will not now discuss. I shall call the attention of the House to this subject on a future, and, I trust, early occasion, when I shall bring under the consideration of the House the report and resolutions of the Transportation Committee. It is the continuanee or discontinuance of convict slavery; that is, of the assignment system, which affects the pecuniary interests of the penal colonies. The colonists want convicts to rear their flocks, and till their fields, and for no other purposes. Their present prosperity will vanish if they be deprived of their present supply of convict labour, unless they obtain labour from some other source. They will cease to flourish, especially in New South Wales, even if they retain the present supply of convict labour, unless an additional quantity of labour be procured from other quarters. How, I ask, can such a supply of labour be obtained, as will compensate for the abolition of transportation, or at least of the assignment system, and will furnish a regularly increasing amount of labour in proportion to the increase of the field of production? So severely was the want of labour felt in New South Wales, that it was proposed to import Hindoos, as indentured labourers, who were to be returned to their native country at the end of a certain period of time. With regard to this plan, I must observe, that experience has fully shown, that it is impossible to enforce bonds of indenture without a system of punishment, that would make the indentured labourer almost a slave. It has generally happened, when the indentured labourer was of the same race as his master, and equal to him in intelligence, that he has broken his indenture, and sold his labour to the highest bidder for it. On the other hand, when the labourer was of an inferior race, he was first entrapped, and subsequently reduced by his master to a state of bondage. Now, every one, who is aware of the ignorance and helplessness of the Hill coolies (the particular cast of Hindoos proposed to be imported as indentured labourers), must at once perceive, that this mode of supplying New South Wales with labour would, in reality, establish a species of slavery in that colony. The Colonial office has, therefore, very properly refused to assent to such a proceeding. Moreover if the indentured labourers were to be ultimately sent back to their own country, the importation of a few thousand Hindoos annually would be a mere temporary expedient, wholly inadequate to that extension of industry of which New South Wales is capable. On the other hand if they were permanently to settle in the colony, they would form a separate class, distinct in colour, language, and religion; and a state of society would ensue, such as, I think, no statesman would desire to produce in Australia, after the ample experience, which we have had, of the pernicious consequences of a similar state of society in our West Indian colonies and in the Southern States of America. Emigration from this country is, therefore, the only source from which labour can be advantageously supplied to New South Wales. But here several difficult questions arise. If transportation continue, the emigration of free labourers to the same place, where criminals are sent to be punished, is most objectionable; first, because it would destroy a great portion of the terrors of transportation, inasmuch as the condition of a labourer in the penal colony is represented to be better than that of one in this country; and the mere banishment, which is generally considered to be the greater portion of the punishment, would in consequence be considered rather in the light of a benefit than of an evil. Secondly, because transportation has produced, and tends to perpetuate, in the penal colonies, a state of morality worse than that of any other community in the world. This has been amply proved by the report of the transportation committee. I entertain, therefore, the most serious doubts whether the Government is morally justified in encouraging the industrious classes of this country in emigrating to a community, where iti all but certain that their moral principles will be subverted by association with the criminals, who are compelled to accompany them. To send 5,000 criminals and as many free emigrants to labour together in the same place is an anomaly in legislation, in defence of which no arguments of any validity can be urged. If transportation continue, it would be far better to circumscribe the penal colonies, to allow none but offenders to dwell in them, and to make them nothing else than large gaols, such as was the condition of Van Diemen's Land under Sir George Arthur. New South Wales should then be limited to the territory which is now occupied. And the remainder of it, especially Port Philip, and the surrounding district of most fertile land, called Australia Felix, should be established into a new colony, untainted by convicts, and inhabited only by free, industrious, and intelligent emigrants. Such a colony would in a short time afford a market for the productions of this country, and a commerce, as extensive as those of the present penal colonies. It is true the penal colonies would still be the sinks of iniquity and vice they now are; they would not become worse, that is impossible. They would not, however, contaminate the whole of that vast and fertile district, which at present is included within the boundaries of New South Wales. Undoubtedly this proposition is one highly injurious to the interests of the free settlers of New South Wales. But it is the only alternative which, in my opinion, the continuance of transportation permits. Some of the inhabitants of New South Wales claim a vested interest in the labour of the criminals of this country; if so, they must take it with all its consequences. They have selected a gaol as their abode, they must submit to its inconveniences and sufferings. They have chosen to dwell amongst offenders, they must not expect that the legislature will encourage, or even permit innocent men to become their companions. For I consider the legislature to be equally bound to guard over the moral, as well as the economical interests of its subjects. It ought to prevent those, over whom it exercises authority, from sacrificing their dearer and more important, though remoter, interests, for the sake of some minor, though immediate, advantage; especially when such persons are liable to act in ignorance, as in the case with the greater portion of the emigrant labourers. I myself cannot conceive how any virtuous any high-minded man, any person in whom the desire of pecuniary gain has not obliterated every other and better feeling, can consent to become an inmate of these colonies, if transportation continue, unless under the most erroneous impressions of the consequences of that system of punishment. Indeed, I feel firmly convinced that, with the continuance of transportation, all the better portion of the inhabitants of these colonies, and of the emigrants, will remove to the other Australian communities, that are now springing up, where similar descriptions of industry are carried on, where a better state of socity exists, and where free institutions will soon be established, which can never be the case in the penal colonies, as long as convicts are transported. Sir, if transportation be abolished, I see no obvious difficulty in maintaining the present economical prosperity of these colonies, and in purifying them. The motion of my hon. Friend points out the means; all that is required is the inclination and the determination on the part of the Government vigorously to adopt those means. In order that New South Wales and Van Diemen's Land may continue in their career of wealth, the place of the thirty or forty thousand convicts, who are now labourers in the penal colonies, must be supplied by a similar number of free labourers. And here I must remark, that 40,000 free men will produce far more than 40,000 convicts; for there was no fact better established before the transportation committee than that, even at the present high rate of wages, free labour, when it can be obtained, is more profitable to its employer than the compulsory labour of unpaid convicts. And, likewise, I should observe that the whole of this amount of labour would not be required at once; for a certain period of time must elapse before the whole of the convicts, who are now employed as labourers, can be withdrawn from private service, or could become free by the expiration of their terms of punishment. This period should in my opinion, not exceed four or five years; after which no person should be permitted to be owners of convict labourers. In addition to these circumstances, it should be remarked that a considerable portion of the now convicts would, on becoming free, become labourers. It is therefore, evident that the emigration, during the next four or five years, of 40,000 labourers would fully compensate for the abolition of transportation. But, as I have already observed, the present supply of convict labour is insufficient for the demand for labour in New South Wales; therefore, some additional free emigration would be required for that colony, in order to prevent any check to the progress of its industry. It is all but impossible accurately to calculate what that additional emigration ought to be. I feel persuaded that if these colonies were provided during the next four or five years with 100,000 emigrants, of equal proportions of men and women, not only would the cessation of the assignment system, and of the supply of convicts from this country, not be felt on the industry of these communities; but they would be amply furnished with labour, and with a population which, unlike the present one, would rapidly increase. So far with regard to the effects of such an amount of emigration on the industry and protection of these colonies. Its moral effects would be still more striking. Whereas at present, with a small free emigration, a considerable transportation of convicts demoralises the free emigrants, and is a perennial source of vice; a large free emigration and no transportation would soon swamp the remainder of the convict population, and establish a new standard of morality. At the last census in 1836, the population of these colonies consisted of 120,000 persons half of whom were, or had been, convicts. Now, it is no exaggeration to suppose, that if 100,000 emigrants were carried out free of expense during the next five years, what with those who would emigrate at their own expense, and with births, the population of these colonies would at the end of that period be not less than 300,000 souls, of whom not more than one-seventh, or between forty and fifty thousand would have been convicts. This result, the House must acknowledge, would be a most desirable one; the permanent prosperity of these colonies would be insured; an increasing trade with this country would be certain, and their population would be constituted of such materials, as would fit them for receiving those free institutions and that self-government, without which good colonial government is impossible. It will be asked, what would be the cost of such an amount of emigration, and how could the money be raised? Twenty pounds a-head would, under a proper system of management, more than cover the expenses of passage, of salaries to the agents of emigration, and of all incidental expenditure. For I find that the cost to the Government for the passage of convicts to the penal colonies was between thirteen and fourteen pounds a-head in 1836. Seventeen pounds a-head were allowed by the Government to the Committee for Female Emigration to Australia; and that committee contracted with their own secretary, Mr. John Marshal, to procure women and convey them to Australia for sixteen pounds a-head, out of which he is said to have made a very large profit. According to the Commissioners of Colonization for South Australia, the whole cost of emigration to that colony was about eighteen pounds for every adult. For these reasons it appears to me that twenty pounds a-head would be more than sufficient to defray all the expenses of the emigration, which I have proposed. At this rate, two millions would be required for the emigration of one hundred thousand persons; and this sum, spread over a period of four or five years, would amount to between four or five hundred thousand pounds a year for the next four or five years. How can this sum be raised? I think, if it were necessary, that a good case could be made out for calling upon this country to contribute a portion of the money, in consideration of the evils which it has inflicted upon these colonies, by making them an abode of criminals; and in consideration of the enormous extension of commerce, which such an emigration would undoubtedly occasion. It is not, however, in my opinion, in any way necessary that there should be any call upon the public purse for this object. The resources of these colonies are amply sufficient for the purpose of carrying on that amount of emigration. The sum required might easily be raised on the security of the sales of waste lands. In proof thereof, I wish to call the attention of the House to the amount of the sales of waste land in the penal colonies. In 1832 the system commenced of selling waste land at the upset price of 5*s.* an acre; in that year, 27,000*l.* were raised from the sale of land; in 1833, 33,000*l.* were obtained; in 1834, 48,000*l.*; in 1835, 104,000*l.*; in 1836, 160,000*l.*

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* From a corrected Report.

This large sum has been raised at the upset price of five shillings an acre; a price universally acknowledged to be far too low; in consequence, this year the Government has raised the price of land to 12*s.* an acre. I believe that 1*l.* an acre, the price recommended by the Transportation committee, would not be too high. For the fixed price of land in the neighbouring colony of South Australia is 1*l.* an acre, and it appears from a statement, with which the colonization commissioners of South Australia have favoured me, that that price has not been found to be exorbitant. Since the commencement of that colony in 1836, the commissioners have sold 133,195 acres; the first 58,995 acres at 12*s.* an acre, the remainder at 1*l.* an acre; they have received for the sales of land 109,597*l.*; they have sent out 7,115 emigrants in 66 vessels, containing 36,294 tons; the whole amount of population is not known, but I believe, what from births and from the emigration from the other Australian colonies, it is not at present less than 10,000 souls. In October last the number of sheep and lambs were 22,500, and of horned cattle, 2,175. The future sales of land this year, taking as a guide the land which has been sold since the commencement of 1839, are estimated at not less than 5,000 acres a-month, and the number of emigrants this year will be more than 5,000 persons. These facts, I think, cannot fail to produce the conviction, that 1*l.* an acre is by no means too high a price for the wealthy communities of New South Wales and Van Diemen's Land. At this price the land revenue of the penal colonies would greatly increase, if it be entirely employed in emigration. At the present moment the sale of land is limited by the deficiency of labour, arising partly from the small emigration; for only an inconsiderable portion of the existing land fund has been devoted to emigration; and partly from the low price of land, which has tempted many of the emigrants immediately to become small proprietors. Now, if there were the security of an Act of Parliament that the price of land would not be lowered, as might be the case, according to the whim and caprice of every hon. Gentleman who becomes Colonial Secretary; if the regulations of my hon. Friend were confirmed by the Legislature; and if a facility be given to the disposal in this country of colonial lands by the sale of land warrants; I am convinced that I do not exaggerate, when I suppose that, with an emigration of 20,000 persons annually, and with a price on waste lands from 12*s.* to 1*l.* an acre, the land revenue would soon increase from 160,000*l.*, the amount in 1836, to above 200,000*l.* a-year. Therefore, I conceive that upon the security of those sales a sum of two millions could easily be raised, at less than the colonial rate of interest, namely, 10 per cent.; still more easily could the sum of four or five hundred thousand pounds be raised every year for the next four or five years, at the same rate of interest. But this amount of interest would be excessive, and would put the colony to an unnecessary expense. If the Government would guarantee a loan, it is evident that the sum of two millions could be raised at a very small premium on the rate of Government securities, say between three and a half and four per cent.: at this rate the interest upon the loan of two millions would be between seventy-five and eighty thousand pounds, or about one-half of the amount of the land revenue of these colonies in 1836; leaving, therefore, even if the land revenue did not increase (an extravagant supposition), a considerable sum for gradually paying off the debt. I think the House must perceive, that in every one of these statements I have put the cost of emigration, the number of emigrants required, and the expense of the loan at the highest amount. I am therefore warranted in concluding that there would be no difficulty in carrying into effect the plan I have proposed. This plan is the result of much and careful consideration on my part. It has unexpectedly received the strongest confirmation of which it is susceptible. I have, within a few days, obtained from New South Wales the Report of the Committee of the Legislative Council on Emigration, which Committee sat towards the close of last year. From that report it appears that a plan precisely similar to my own, namely, of raising 200,000*l.* on the security of waste lands, to be expended on emigration, has been submitted to the Legislative Council; and that a letter had been addressed to the Council, giving the sanction and approbation of numerous persons of property and intelligence to the proposal in question. I understand the committee referred this proposal to eighty-four of the most intelligent and extensive proprietors in the colony; that fifty-eight expressed themselves in terms of the highest approbation of the measure; eight only declined to give an opinion, and eighteen objected to it, chiefly from the fear of its becoming a job, and that there was no security that the whole money would be applied to immigration, as the Colonial Government had already applied a considerable portion of the proceeds of the land sales to other purposes than those of immigration. If the motion of my hon. Friend were carried, the only objection to this plan would therefore be removed, and I am assured that the colony would be unanimous in its support. To conclude, I entreat the earnest consideration of the House and of the Government to this subject, as the only means of abolishing transportation without endangering the prosperity of the penal colonies; as the only means of continuing that prosperity, and improving the moral state of these communities. It is a means, likewise, of affording, without any expense to this country, the most extensive fields for the employment of our surplus population. It would create a commerce so vast that the imagination could hardly form a conception of what, in a brief period, it might not become. I am profoundly convinced that the southern regions of the globe, Australia, New Zealand, and the myriads of islands of the Polynesian sea, might ere long form the most important markets for the productions of the industry of Great Britain, and amply compensate for those markets which we are on the eve of losing in the Old World; provided those fair and fertile portions of the earth's surface were peopled with men of the British race, with wants, feelings, and desires, similar to our own; and this, I firmly believe, might be accomplished by that plan of systematic emigration which was proposed by my hon. Friend, and to which I give my most cordial support.

Mr. *Labouchere*[*] said, that whatever difference of opinion might be entertained on this subject, or on the general principle involved in the resolutions proposed by his hon. Friend the Member for Sheffield, or in any of those various details by which his hon. Friend proposed to carry those resolutions into effect, he was quite sure that it was the unanimous opinion of the House, that no greater or more important subject, no question more truly deserving the serious attention of the Parliament, could possibly be brought under their consideration; he agreed with his hon. Friend, that as it was the duty at all times of the Government of this country, and of the colonies, to encourage emigration, by every fair and legitimate means, it was a duty still more incumbent upon them on many accounts at the present time. During the short period of time which he had had the honour to be connected with the Colonial Office, it was impossible for him not to have been forcibly struck with the circumstances that had been adverted to, that not only on the part of the labouring classes of this country, but also on the part of a class of persons who had hitherto shown a reluctance to leave their native country, many persons in the higher conditions of life, and possessed of small capital, had shown a most remarkable desire at the present moment to seek in other colonies, and in the distant possessions of the British empire, the means of acquiring an honest independence, which was not so readily afforded in the mother country. He agreed in the sentiment of his hon. Friend, and so far from this being a matter of reproach to those persons, and so far from those persons being discouraged, it reflected the highest honour upon them; and he rejoiced in thinking, that in leaving this country they did not estrange themselves from its real and permanent interests, but on the contrary, they proved their attachment to those interests by trusting themselves to those distant possessions to which they were proceeding. He would say, therefore, that assuredly he had anything rather than a prejudice against emigration; on the contrary, it always appeared to him among the many glories and blessings permitted to this country, as a means by which Providence had allowed the English race and language to spread over so vast a surface, the manners, laws, liberties, and institutions of this country; there could be no more solemn duty imposed upon them than that they should avail themselves to the utmost of the vast means which Providence had been pleased to put into their hands, in order that they might effect the greatest blessing given to the human race—namely, wherever there were unoccupied lands, affording the means of extending the influence of the British nation, that they should avail themselves of such opportunities. He must fairly confess to the House that he could have wished, consistently with his duty, not to have been called upon to deal with this question so soon after his connection with the Colonial Office, or to have addressed the House upon a subject of so much complication and difficulty, to which many Gentlemen present had had an opportunity of paying much more attention than he had been able to afford to give it. At the same time he felt bound to make some statement in reply to the motion of his hon. Friend. His hon. Friend began his speech by attacking the system of disposing of the waste lands of the Crown, which before the last ten years had prevailed. He could assure his hon. Friend and the House that of this system they should hear no defence or apology from him. System he could hardly call that which would be more accurately described as a total want of all system. It was really quite melancholy to see the mischief that had been done by that pestilent system of jobbing that existed. It was impossible to read the Earl of Durham's account of the North American colonies, and to reflect upon what had been done there under the old system, and what they might have been under another system, and what they were now, without the strongest feelings of indignation and regret. He could, therefore, assure his hon. Friend that he would be disappointed if he expected that he (Mr. Labouchere) should in any degree defend that former system. But, like many other things, it was difficult to retrace their steps.

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[*] From a corrected Report.

"Revocare gradum superasque evadere ad auras
Hic labor, hoc opus est."

Immediately to return to sounder principles might be attended with very considerable difficulties, and a just and reasonable Government must proceed with caution in a question surrounded by so many difficulties, and in which the rights and feelings of the people of the colonies and the Legislatures were so much involved. He could only assure the House, on the part of the Government, that he should extremely rejoice if he found a disposition, as he had reason to believe existed, among the local Legislatures of the North American provinces to take the most effectual means of getting rid of the existing abuses, and so far from throwing any impediment in their way, the Government would be glad to assist them in getting rid of them. As to the resolutions of his hon. Friend, in the first place he was not prepared to deny what the hon. Member called the fundamental principle of the disposition of colonial lands. He quite agreed with his hon. Friend, that free grants were altogether an abuse; and he altogether agreed with him, that the only just means for the disposition of the lands of the Crown in the colonies was by impartial sale at a just and sufficient price. But while he entirely assented to that principle, he found several details in his hon. Friend's speech from which he would not say that he entirely dissented, but upon which he confessed he had not sufficient means to give any decided opinion; but he did say this, that there was enough of difference of opinion among persons whose authority was great in that House — persons of official station and personal experience in the colonies—persons who had the best means of understanding the subject, and who had considered it impartially and closely — to induce him to think that it would be extremely unadvisable that that House should pledge itself not only to the general principles of these resolutions, but to the details by which he sought to carry them into execution. The first important principle in these resolutions was that contained in the second resolution, in which it was stated "that amidst the great variety of methods of disposing of waste lands which have been pursued by the British Parliament, the most effectual beyond all comparison is the plan of sale at a fixed, uniform, and sufficient price." This plan obtained at the present moment in the colonies, where the mode of sale was by auction to the highest bidder, with a minimum price. He found many of the most intelligent persons with whom he had had communication—some of them governors of colonies, who had the amplest means of forming an opinion—who all believed that it would be unwise to act on the principle recommended by his hon. Friend, namely, that all lands, however different in situation and soil, however circumstanced as to the convenience of rivers and towns, should be sold precisely at the same price. He found a different scheme more generally recommended—namely, setting on a sufficient minimum price, and then throwing the land into the market, leaving it to competition to determine by auction whether a greater price ought not to be given. His own impression was certainly in favour of selling by auction, which was the system which had been adopted in the United States of America. He thought that under the new system proposed, there would be extreme difficulty in guarding against jobbing and unfair preferences where there happened to be valuable land. He would on this subject refer the House to the opinion of an intelligent and distinguished public officer, Sir G. Gipps, Governor of New South Wales, who said, in one of his despatches, that nothing, in his opinion, was so essential to the prosperity of a colony as to maintain inviolate the principle of selling all lands by public auction to the highest bidder. He warned the House against committing themselves to a principle like that proposed, until they had had further time for investigation. He would come to the next part of the resolution, which went on to recommend "the employment of the whole or a large fixed portion of the purchase money in affording a passage to the colony, cost free, to young persons of the labouring classes, in an equal proportion of the sexes." He agreed, as a general principle, that it was most desirable that a large proportion of the money received from the sale of land, should be devoted to the purpose of promoting emigration; but he objected to the House pledging itself to any strict and definite proposal on this subject. The colony of South Australia was held out as a model for all future colonies, and in the fourth resolution it was stated that, "this method of colonising had been applied to the new colony of South Australia with very remarkable and gratifying results." Now he begged to call the attention of the House to what had actually taken place in that colony. The fundamental principle on which that colony was founded was, that the net proceeds of the land should be devoted to the purposes of emigration. It was quite true that in their first bill this principle was strictly and rigidly laid down. The commissioners were forbidden from devoting a shilling to any other purpose whatever, and he was quite sure what he was going to say would be a warning to the House against precipitately laying down abstract rules. For what was the fact. Not a year passed over when the promoters of the first bill came and asked for an important qualification. They had been borrowing money at 10*l.* per cent. to carry on the general government of the colony, and finding this a very extravagant mode of proceeding, whilst they were getting money through the sale of their land, they brought in a bill to enable the land fund to be loaned to the fund for the general government; or, in other words, to apply the proceeds of the land fund to the general government. Was he not, then, justified in calling upon the House to pause before they committed themselves to any plan of a similar description? But there was a claim of a more sacred and important nature to be provided for than even emigration, most important as that was—he meant the protection of the interests of the aboriginal inhabitants. One of their first objects should be to see that those persons were duly protected and taken care of out of the proceeds of the land funds. There were also other expenses, such as road-making and surveying, which might very properly be charged upon the land funds. These were grounds against laying down a strict and invariable rule, which, however well they looked on paper, would, he was sure, fail in practice. The next point adverted to in the resolutions to which he would call the attention of the House, was the recommendation "that in order to derive the greatest possible advantage from this method of colonising, it is essential that the permanence of the system should be secured by the legislature, and that its administration should be intrusted to a distinct subordinate branch of the colonial department, authorised to sell colonial lands in this country, to anticipate the sales of land by raising loans for emigration on the security of future land sales." He was very far from saying that it might not be right and proper, under circumstances, to anticipate the land revenues of a country for purposes of this kind; but he felt that this was a principle which ought not to be brought into action without the greatest caution, and under very strict limitations, and he for one would object to Parliament holding out vague promises which it might not be expedient to act up to afterwards. He had already ventured to read a passage from a dispatch of Sir G. Gipps, on one part of this subject, and he would beg leave to read another, as he was sure it would have much more weight than any thing he could say. Sir G. Gipps said, that with regard to the project of pledging the land revenue to purposes of emigration, it should be recollected that this was the only fund which the executive government had to defray any charges which the legislative council might be disposed to reject; that it was impossible to maintain in a distant colony a sufficient check over imprudent expenditure. He begged pardon, he was reading a wrong extract. He was not by any means sorry that he had read it, but the passage he had meant to read was, that the carrying on of emigration on a large scale by means of a loan, would be to create a perpetual debt against the colony, which experience had taught them would not easily be got rid of, and moreover, it would be extremely difficult to administer the government of the colony with a proper economy in the midst of the factitious wealth produced by the loan. His hon. Friend the member for Sheffield had only done justice to his noble Friend near him (Lord Howick), when he stated that he had been instrumental in placing the system with regard to the disposal of the land revenues on a much better footing than it was previous to the year 1831. At this period the regulations of Lord Goderich were adopted and the effect produced by them on the land revenues of Australia, and the emigration to that country was very remarkable. In 1830, the land revenue of New South Wales amounted to 1,896*l.* This was under the old system. In 1831 they amounted to 3,018*l.*, in 1832, to 13,683*l.*, in 1833, to 26,272*l.*, in 1834, to 43,489*l.*, in 1835, to 89,875*l.*, in 1836, to 108,558*l.*, and in 1837, to 127,866*l.* This afforded a most encouraging proof of the extent to which these resources had been called into operation under a fair and proper system. He would state how the money had been applied to emigration during that time. In the year 1832, 5,177*l.* had been devoted to emigration, in 1833, 9,025*l.*; in 1834, 7,979*l.*; in 1835, 10,764*l.*; in 1836, 11,794*l.*; and in 1837, 44,729*l.* The House would observe, that the year 1837 was the first year in which the Government system of emigration had been really carried into operation. In 1838, when the system came fully into operation, no less a sum than 110,000*l.* was devoted to the purposes of emigration to New South Wales alone. No less than twenty-four emigrant ships went out, containing 6,500 persons; and during that year the total number of emigrants to New South Wales amounted to 10,000. He thought that this statement would satisfy the House, that there was every disposition on the part of the Government to give encouragement to well-regulated emigrations, but he must warn the House against supposing that it was impossible to send emigrants to a colony in too great numbers, in the absence of previous inquiry and regulations. Great temporary evil might occur from taking to a particular colony at a certain time a very large number of emigrants; and at that moment, by the last account from Sir G. Gipps, it appeared that even in New South Wales, owing to the accidental circumstance of a long drought, there was no demand for labour, and persons might be seen with their hands crossed, unable to find employment. If they took from the colonies all control, and gave it to an office in London, he did feel that the results might be very disastrous and unfortunate. He did not wish to trouble the House with any further observations. He was truly sensible of the deep importance of this subject, and he might say for the noble Marquess who held the seals of the Colonial Office, that there was no subject on which he was more anxious. He could assure his hon. Friend and the House, that his noble Friend approached this subject with a mind wholly unprejudiced, and that he was most anxious at the first season of leisure to examine the question in all its details, with a sincere anxiety to do what was best for the interest of the colonies and of the mother country. He hoped that his hon. Friend would rest satisfied with this assurance, and that he would be of opinion that this was a question which might more properly be left to the executive. He did not say this with any wish to evade the question, as he was animated solely by a desire cautiously and carefully to come to a conclusion that would most conduce to the interest and the welfare of the colonies, and of the mother country.

Mr. *Warburton* hoped his hon. Friend the Member for Sheffield, would not rest satisfied with the mere assurance of the Government that this matter would receive from them due consideration. The question stood ripe for the decision of the Government upon it. What was asked for by the present motion was this: that certain fixed principles should be laid down, on which the Government, in all future sales of colonial land, and in the application of the produce of those sales, should be bound to act: that the Colonial Office should be deprived of that discretion which it now did, or might in future, exercise according to its will and pleasure, of acting or declining to act upon those principles. The Government understood those principles; for they had already acted upon them, to a limited extent, in New South Wales, and in the new colony of South Australia; and by these two experiments which had been eminently successful, the practical importance to this country of an adherence to these principles had been fully ascertained. Why then delay passing an act which should be a rule for the guidance in time to come of the Colonial Office. In the place of such a rule what had they now to depend upon but the capricious exercise of the prerogative; and with what utter disregard to the interests of the colonies that prerogative was exercised, an example was afforded in the case of Nova Scotia. What could be thought of the attention paid by the mother country to the interests of that colony, when, in order to pay a gambling debt of the Duke of York, all the mines and minerals of Nova Scotia were at one fell swoop granted away to that royal Duke? The grant was sold to a London silversmith, to whom these important rights were thus transferred in perpetuity. The important coal-mines of that colony, situated like those of our own country, near the sea coast, on the proper working of which in future time might depend the navigation by steam of those seas, and the maintenance in that quarter of our naval superiority, the Crown by one lavish grant, had assigned away. If a man wished for a libel upon our system of colonial government, where could he find a stronger one than in the fact he had adduced? Acts, pregnant with mischief, such as these, done in utter disregard to the interests of the colony, would almost justify rebellion. The under Secretary for the Colonies had stated that other demands than demands for emigration, might be made upon the land revenues; demands which ought to be defrayed from that source: for the sake of argument, grant that to be the case. He would then say let one-fourth or one-fifth be applied for those demands, and let three-fourths or four-fifths be applied for the purposes of emigration. Let them only lay down a fixed principle, not to be set aside or over-ruled by the mere dictum of a Colonial Secretary, but a permanent basis to which the country could look with certainty. After the luminous exposition of that principle given by the hon. Member for Sheffield and the hon. Baronet, the Member for Leeds, he did not consider that he need expatiate on that part of the subject. He only wished to express his conviction that the present and future prosperity of our colonies mainly depended on the carrying into complete effect these principles, first expounded by the clear intelligence of Mr. Wakefield. He sincerely trusted that some distinct statement would go forth from the Government that they intended steadily to apply the proceeds of the colonial land revenues in aid of emigration. There was one part of the plan of his hon. Friend, the Member for Sheffield, from which he dissented, and that was the reservation to the Commissioners of power to raise loans by way of mortgage, in anticipation of the annual revenue, to accrue from the sale of lands. This would occasion an unsteady and fluctuating demand for emigrant labour in the mother country, a great demand in those years when the capital thus received by loan was to be expended, a slack demand in those years when they had only the surplus annual revenue to apply. Now it was of importance to the mother country, that the yearly demand for the labourers who were to emigrate, and for the shipping to be employed in conveying the labourers, should be, as nearly as might be, constant, or steadily progressive. Desirous as he was of promoting this plan of emigration, as a means of relieving the pressure of our population on the means of subsistence, he begged to guard himself against his being supposed to maintain the doctrine, that the Legislature, by affording this manner of relief, was in any degree exempted from the obligation of taking those other measures which would give life to industry at home, and advance the prosperity of the operatives; from the obligation of allowing our artisans freely to exchange the work of their hands with the produce of other countries of whatever description. Free trade in articles of subsistence, and a well devised system of emigration, were the means best calculated to promote the permanent prosperity of the working classes in this country.

Mr. *Lucas* hoped that an effect would be produced in the country respecting this subject commensurate with its magnitude and importance, for he did not think that the hon. Member who had brought forward the motion had in any degree exaggerated the importance of the subject. The hon. Member had spoken of the distress that prevailed, and though he (Mr. Lucas) did not agree with him either as to the causes or the extent of that distress, yet it fully justified him in bringing forward his motion in the manner in which he had done. If distress prevailed to a great extent in Liverpool and Manchester, they would recollect that it had been stated that in Liverpool there were 70,000, and in Manchester and Salford 90,000 of the poorer classes of his countrymen partakers of that distress, and no doubt active competitors for the reduced and inadequate wages which the English labourer received. He thought that, with respect to Ireland, the subject of emigration was of considerable importance. With respect to the full scope of the entire of the hon. Member's resolutions he was not prepared to go along with him, but in the first resolution he entirely concurred. He thought that a great deal of what the hon. Member urged was entitled to great attention, in contending that a portion of the land revenue ought to be applied to the purposes of emigration. With respect to the general question of emigration this was not the time to discuss it; but he thought it would be highly desirable at the present moment, with respect to Ireland, that it should be known that the system of emigration would be conducted on a fixed and unalterable principle. The Poor Law Act for that country, which passed last year gave to parishes a power of taxing themselves for the purposes of emigration, and he thought it would be a great encouragement to parishes to tax themselves for this purpose, if, having some fixed principle to refer to, they would be enabled to calculate the result. The advantages of applying a portion of the land revenue to the purposes of emigration would be this—that in proportion as the revenue arose, in the same proportion would the demand for labour arise, so that these two circumstances would eventually act upon each other, and the supply would always be proportionate to the demand. He thought that great advantage would arise from devising means to lessen the expenses of emigration. Instead of free passages, which, owing to the expense, could not be given to any great extent, he thought it would be well that Government should pay a portion of the expense, in cases where public bodies or parishes were willing to pay the remaining portion of the expense. This he thought would greatly tend to encourage emigration; besides which there were many other ways in which facilities might be given. Agreeing in principle with the hon. Member, he hoped that either now or next Session something would be done to remedy the evils complained of.

Viscount *Howick*:* I have observed, with very great satisfaction, the apparently general concurrence of the House in the important principle, with respect to the disposal and occupation of land in the British Colonies, which has been so well stated in his speech by the hon. Member for Sheffield. Nothing certainly can be farther from my intention than to express any difference of opinion from the hon. Member respecting this principle; on the contrary, I entirely agree with him as to its soundness and extreme importance, and I think also with him, that its discovery reflects great honour upon the gentleman by whom it was brought to light, and who first pointed out its influence upon the success of all schemes of colonization. As far as I am aware, the benefits to be derived from the prevention of an undue dispersion of settlers in a new territory, with the means by which this object can best be accomplished, and the necessity of combined labour, which in a new country, can only be secured by artificially maintaining a proper proportion between the numbers of the population and the extent of land which they occupy, had entirely escaped the notice of all writers upon political economy, until they were stated in those works of Mr. Wakefield to which the hon. Member for Sheffield has referred in terms of well-deserved commendation. I consider these principles to be not less important than they were novel at the time they were brought into notice by Mr. Wakefield, and they will also, I am convinced, be found to be of very general application. They apply not only to the Australian and North American Colonies, but, as the hon. Member has justly observed, it is in them that we must seek for the real cause of the introduction of slavery into our West-Indian Colonies, and it is only, therefore, I believe, by measures founded upon them that the difficulties which have followed its abolition can be effectually removed, nor will the great measure of emancipation be rendered productive of all the good which ought to flow from it, unless the legislatures of these colonies, by a wise application of the principles I have now referred to, endeavour to procure a regular supply of free labour. But however fully I agree with the hon. Member for Sheffield as to the importance of the leading principle of the resolutions he has moved, I must at the same time express my strong doubts whether it would be expedient that they should be adopted by the House. The first resolution states only an abstract truth, which it is, I believe, impossible to deny; I have, therefore, no other objection to offer to it, except that it is unnecessary, and that taken by itself, and if not followed up by others tending to practical measures, it could lead to no useful result. But the second and third resolutions, which do point to practical measures, are expressed in terms much too absolute and too general to be safely adopted by the House, at least in their present form. These resolutions would imply that the adoption of that policy with respect to the occupation of land from which the hon. Member contends, should at once be enforced in all the British colonies by the authority of Parliament. Now, at least so far as regards the North American colonies, which have attained considerable wealth, civilization, and importance, and which have legislatures of their own, this would, in my opinion, be a most inexpedient course; it would be an interference with the local legislatures, which would be in the highest degree impolitic and improper. It is perfectly true, as the hon. Member has stated, that there have been in these colonies very great abuses and much mismanagement in the way in which land has been granted; but I cannot concur with him in attributing this mismanagement entirely, or even principally, to any thing like corruption, or a desire to promote improperly their own individual interests on the part either of the Government or of the colonial authorities. I had no connexion with the Government in the days in which these things took place, and I have, therefore, no interest in undertaking its defence; but, in justice to it, I must say, that although I am not prepared to deny the existence of jobbing in some cases, the mismanagement in respect to grants of lands was mainly attributable to the ignorance which then generally prevailed of the principles upon which this most important part of the administration of a colony should be conducted; the evil arose principally from mistakes honestly committed, and mistakes, I must add, for which the colonial legislatures were certainly not less to blame than the Government. The popular feeling in these colonies was altogether in favour of facilitating the acquisition of land by the *bonâ fide* settler, and this was the object which the Government had in view; but neither the Government nor the colonial legislatures perceived that it was one which could not practically be accomplished in the manner it was attempted. It was in vain to declare, that no individual should obtain a grant of more than a certain size. Large tracts of land, which they could not improve, were still monopolised by individuals, who evaded the regulation by purchasing, at a nominal price, the grants which poor settlers had a right to claim, and this evasion could not be prevented by forbidding for a certain time, the alienation of land which had been granted, without greatly impeding the application of capital and the improvement of the land. In the same manner, the most stringent regulations which could be devised to enforce the settlement and improvement of the land which was granted have always failed, from the impossibility which has been experienced of enforcing the rules which have been laid down, and compelling parties to perform the conditions attached to their grants. The whole system upon which these measures were adopted was, in my opinion, unsound; and it was the far wiser and better principle, which Mr. Wakefield was the first to recommend, that every man should be allowed to obtain, not by grant but by purchase, as much land as he chose, free from all conditions and all restrictions as to the use he might make of it, trusting that by requiring a sufficient price to be paid, a regard for their own interest would prevent individuals from seeking to obtain more land than they could occupy with advantage to themselves and to the community. In answer to a complaint of the Assembly of Lower Canada upon this subject, the reasons for the adoption of this principle in the disposal of the Crown lands were stated by Lord Ripon, in a despatch with which I am sure the hon. Member for Sheffield is acquainted, and of which I am equally sure that he must entirely approve. But, Sir, the hon. Member must be aware that the views stated in this despatch, however consistent with his opinion and with sound policy, failed to command the assent of the colonial legislature. The Assembly, and I believe I may add the colonists generally, still continued to prefer the policy of granting land, and of endeavouring to facilitate as much as possible its occupation by the poor settler. Nor is this the popular opinion only in our own colonies; it extends equally to the United States, and the hon. Member, when he so highly commends the system which has there been adopted, cannot be ignorant that there is, at this moment, a strong and general feeling amongst a large part of the population in favour of what is termed the "easy occupation of land," and that a proposition has been made (nor am I sure that it has not been adopted) for a reduction of the price of land, already far too low, according to the principle for which the hon. Member contends. Indeed, I so far differ from the praise which the hon. Member for Sheffield has bestowed upon the management of their public lands, by the United States, that I think, these States at this moment afford a very striking proof of the bad effects which result from neglecting that most important principle of restraining the natural tendency to disperse in the settlers of a new country, which it was the main object of Mr. Wakefield's writings to enforce. Formerly, from being surrounded by hostile tribes of warlike savages, the settlers in what are now the United States were compelled to keep closely together, for the purposes of mutual succour and defence, but now that they are no longer under the influence of the same motives, they have scattered themselves to immense distances, over extensive tracts of land; and it is this dispersion of the population which has not been checked by the too low price demanded for land, which has, in my opinion, been the principal cause of that almost barbarous state of some of the Western States, in which we hear of Lynch law, and of so many other moral and social evils. I have mentioned these things in order to show how exceedingly strong a prejudice pervades the whole North American continent, in favour of giving every facility to the settlement and occupation of land; if, therefore, by Act of Parliament, we were to attempt to run counter to this strong popular feeling, and to enforce the adoption of a wiser policy, I fear it would be at the risk of entirely failing in the measures we might adopt. By persuasion and influence, we may do much towards introducing that system, which I agree with the hon. Member for Sheffield in approving; but, if we carry our interference too far, and endeavour to act with authority, we may produce an effect the very opposite of that which we desire, and at the same time the most disastrous political consequences. It must not be forgotten, that since the Crown revenues in the North American colonies have been given up to the Assemblies, the Imperial Government has no power to act in these matters, except with their concurrence. With their concurrence, much, no doubt, may be done; and I trust that all proper means will be adopted to obtain it, but I must most seriously caution the House against encouraging any attempt to proceed by coercive measures. For these reasons, I think the resolutions which have been proposed are inapplicable to our North American colonies, nor are they less so to those in the West Indies; the hon.

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* From a corrected Report.

Member said, that the principle which should be followed in the disposal of land had been very recently stated in a despatch addressed to the Governors of the West Indian colonies by Lord Glenelg, but he complained that this despatch had been allowed to become a dead letter. I admit that this despatch has not led to any important results, but the hon. Member has not adverted to the fact, that the reason of its having been so nearly inoperative is, that most of the land in these colonies had already previously been granted to individuals. Even in the large island of Jamaica, of which so small a portion is yet occupied, I am informed that the right of property in only about 5,000 acres remains to the Crown; it is not, therefore, by merely restricting the grant of land that the principle of the hon. Member can be practically carried into effect; it is in vain for the Crown to put a high price on the land, of which it still retains possession, while so much belonging to individuals can be brought into the market, and, by competition, will necessarily keep down its value. Under these circumstances, the only manner in which the principle of restricting the occupation of land can be carried into effect is, by the measure to which the hon. Member himself adverted, namely, the imposition of a tax upon land. Undoubtedly this would, in my opinion, be a most advisable measure, nor do I believe that, in a majority of the West Indian colonies, a regular supply of labour will ever be obtained, until the greater part of the revenue necessary for carrying on the public service shall be raised by a direct impost upon the land, instead of by indirect taxation. But here, again, it is only by the intervention of the colonial Legislatures that this policy can be adopted; the resolutions, therefore, which the hon. Member has proposed in terms so general and extensive, are as inapplicable to the West Indian, as to the North American colonies.

There remain, then, only the Australian colonies, as to which the resolutions of the hon. Member can with propriety be applied. And I would ask him, what are the grounds upon which, even as regards them, he conceives it to be necessary for the House to adopt such a step? The intervention of Parliament is surely not required for the purpose of inducing the Executive Government to adopt that policy, in the disposal of land in Australia, which he has advocated, since he has himself stated that this policy was at first suggested in some writings of Mr Wakefield, about ten years ago, and in the beginning of 1831, that is, within two years, or little more, of the time when the suggestion was made, it was adopted by Lord Ripon, so far as regards the Australian colonies. But then, the hon. Member said, it is not sufficient that the system should be adopted by the Government; what one Secretary of State has done, another may undo; and, with the rapid succession of different persons at the head of the Colonial Office, there can be no security for that permanence in one line of policy upon this subject, which is so essential to its success. No doubt this is a plausible objection, but have we practically experienced those constant changes in the system of disposing of land in Australia, which the hon. Member apprehends must be the consequence of frequent changes in the Colonial Office? On the contrary, though Lord Normanby is the fifth Secretary of State who has held that office since Lord Ripon's resignation, the rule which was laid down in 1831, that Crown land should be alienated by public sale, has ever since been strictly adhered to. It is true, some grants have been made; but these have only been grants to which parties were entitled under engagements entered into by the Government previously to 1831, and I am sure the hon. Member is the last man who would contend that the change of system then adopted would have justified a breach of engagements with private individuals, which had already been contracted. For the purpose, then, of ensuring a permanent adherence to the system adopted by Lord Ripon, so far as regards the alienation of the Crown lands in Australia, exclusively by public sale, I think the hon. Member cannot possibly contend, that it is necessary for the House to come to the resolution he has proposed, or to legislate upon this subject. But I think I hear the hon. Member say, that there has not been equal steadiness in adhering to the policy adopted by Lord Ripon, with regard to the appropriation of the revenue derived from the sale of land, that the money so produced ought to be exclusively devoted to the promotion of emigration, and that, in 1834, a large proportion of it was improperly diverted to other objects. I agree with the hon.

Member, in thinking, not only that land ought to be alienated exclusively by sale, but also, that in the present condition of the Australian colonies, the encouragement of emigration is the most useful object to which the proceeds of the land sales could be applied. But, though I concur so far in the opinion of the hon. Gentleman, I cannot admit that it is proper to lay down any strict and inflexible rule, that the whole, or even any given and large proportion of the revenue derived from the sale of land, shall be laid out in carrying on a system of emigration. It must, in the first place, be admitted by all, that the expense of collecting the revenue must, at all events, be defrayed out of it, and in this, must be reckoned not only the expense of survey, but other very large items of expense, in the formation of roads, and the building of bridges, schools, and churches, which are necessary for the advantageous settlement of the country. The sums so laid out may justly be regarded as employed in preparing more land for sale, and increasing its value, and augmenting the future revenue and as such means of communication public buildings, are absolutely essential for the existence of civilized society, if the funds necessary for effecting these improvements are not provided from the proceeds of the sales of land, they must, in the settlement of a colony, be defrayed by taxes, which every Government, including that of the United States, has found it very difficult and very disadvantageous to impose upon such infant communities. I perceive that my hon. Friend the Member for Liskeard, cheers in a manner which implies a contradiction of what I have now asserted. I understand what he means, I know that he would imply, that the great superiority of the system of settlement adopted by the United States, over that pursued in the adjoining British Colonies, is, that in the former there exist municipal institutions, which by the power they possess of imposing rates, provide for those important local objects to which I have just adverted. I do not deny this advantage on the part of the United States, I am aware that the improvements of civilized life, make their appearance in an early stage of their settlements, as compared with those of Canada, I am far from undervaluing the achievements of their extraordinary energy and enterprise; but still, unless we are to disbelieve the accounts of every traveller who has described the condition of the Western States, it is impossible to doubt that the manner in which the wilderness is first occupied by the backwoodsmen, who have been termed the pioneers of civilization, is rude and barbarous in the extreme; each family settles upon the land cleared by its own labour, separated often from its nearest neighbours by impenetrable forests, without roads, without schools, without churches, without all those advantages which constitute the whole difference between civilization and barbarism. The hon. Member says, that the only revenue which by law they can raise for such objects as these, is that derived from local sales; but, Sir, it is because such is the case, it is because a higher price is not put upon land, and the purchase money applied to these most necessary purposes, that they are altogether neglected in the early stages of settlement, when the population is thinly scattered, and money cannot be raised by local contributions. My hon. Friend may have a different account to give of all these things, he may tell us, that even in the back settlements of the United States, good roads, public buildings, and all the evidences of a highly civilized society are to be found, but he must excuse me for saying that the three or four months which he has had the advantage of passing on the other side of the Atlantic, do not quite entitle him to knock down at once, with his authority, what those who have not travelled like himself may advance, on what they consider sufficient evidence. Traveller's tales should proverbially be received with caution, and though I am well aware that nothing can be farther from my hon. friend's intention than to mislead us by erroneous information, I cannot help thinking that he saw so much and heard so much, during his short visit to America, that his recollection is not upon all points quite so clear as might be wished; nor can I help reminding him, that this is not the first time that he has used his authority as a traveller, to give me a point blank contradiction upon a matter on which he has since turned out to be completely in the wrong. I am aware that I am going a little out of the subject immediately under discussion, but I trust I may be excused for mentioning to the House one circumstance, as a proof of the necessity of our placing some limit to that credence, which we are always disposed to yield to the bold and positive statements of these travelled gentlemen. The House may perhaps remember that some time ago, during a discussion upon the alleged insufficiency of the force in New Brunswick when threatened with hostilities from the State of Maine, the hon. Gentleman made himself very merry at my expense, for having asserted that Sir John Harvey might, in case of necessity receive assistance from the Governor of Lower Canada; he treated with supreme contempt the ignorance which such a supposition implied, and told me that the succour upon which I calculated, could not possibly at such a time, reach New Brunswick from Lower Canada, unless indeed, the troops who were to afford it, could be carried in a balloon. Now, it so happens, that at the very time it was said to be so entirely impossible, a regiment was marched without the slightest difficulty from Lower Canada to New Brunswick, that it arrived there in ample time to have afforded the aid, which it was apprehended that Sir John Harvey might have required, and when this was found not to be the case, it marched back with the same ease that it had come. I have mentioned this fact only to show to the House the propriety of receiving with a little caution the somewhat hasty statements of the hon. Gentleman;—to return to the argument I was pursuing, I must repeat, upon the concurrent testimony of every traveller, except my hon. Friend, that in their infancy, the new settlements of the Western States of America do not enjoy the advantage of tolerable roads, of schools, and of similar marks of civilization. I contend that if in the colonization of Australia we would realize the views of Mr. Wakefield, and occupy the country not with a population falling back into a rude and semi-barbarous condition, but with one enjoying all the advantages of civilization and of a regularly organized society, we must not only take care to prevent the undue dispersion of the inhabitants by requiring a sufficient price for the land, but we must also apply a part of the revenue thus obtained in effecting those necessary local improvements which cannot by any other means be so well provided for. I have always thought that the money derived from the sale of land in the colonies should be regarded as a part of their capital, which as such should be invested in their permanent improvement, not applied in common with the rest of the ordinary revenue to the purpose of current expenditure. Upon this principle it seems to me that in the present condition of the Australian colonies, there is no permanent object to which these sums can be devoted of equal importance with the encouragement of emigration, and I therefore entirely concur with the hon. Member for Sheffield in thinking that the largest part of these funds ought to be so applied for the present; but when the hon. Member for Bridport hence argues, that we ought to fix by positive law the proportion of the land revenue which shall be strictly reserved for this exclusive purpose, I would point out to him the objection to this course which arises from the fact that the proportion which he would invariably fix is liable to constant alteration. It is obvious, that although at the present moment it may be expedient to apply much the larger proportion of the funds in question to emigration, and reserve only a smaller sum for those local objects which I have mentioned, as the colony increases in population and in extent, this will cease to be the case, as the necessity of emigration will diminish, and the amount of expenditure required in preparing new tracts of land for the occupation of the native inhabitants will increase. But the hon. Member no doubt will say that even the principle I have now endeavoured to lay down was widely departed from by the diversion, in 1834, of a large part of the revenue derived from the sale of land in New South Wales to the maintenance of the police. I admit this to have been the case, and I regret with the hon. Member the necessity which existed of so applying this money; but at the same time I must observe that this necessity arose from the reluctance of the colonists to provide by other taxes for an expense which, in justice, they were bound to defray. The expense of the police in New South Wales is a charge which upon no principles of fairness can be imposed upon the people of this country; for though it may be true that the necessity for keeping up so large and expensive a police force in that colony may arise from the character of the convicts sent from hence it is no less true as was well observed by the Baronet the hon. Member for Leeds, that the astonishing wealth of our penal colonies is almost entirely derived from the labour of these same convicts. Surely, then, the colonists cannot expect at once to enjoy this advantage, and to be relieved from the burthen by which it is accompanied? I conceive, therefore, that the charge for the police was properly thrown upon the colony, and that as its inhabitants were unwilling to provide for the charge by other taxes, it was only just that it should be met by a diversion of the land revenue from an object in which they are chiefly interested, instead of throwing the burthen upon the people of this country. These considerations justify the conduct in this particular, of the Government in 1834, which was objected to by the hon. Member for Sheffield, and I can conceive many cases in which it would be better to divert a portion of the revenue arising from the sale of land to meet the necessary expences of the colony, than to press too severely upon the revenue of a young and growing society by premature taxation; nor is it a little remarkable, that this is the course which has been actually followed both in the United States and in South Australia—the examples which the hon. Member for Sheffield particularly pointed out to us for imitation. As to the United States, indeed, I think, that when the hon. Member for Sheffield said, that we ought to follow their footsteps, and that if we meant to pursue the same wise policy as to the disposal of land, we must take the system as a whole, and not attempt to adopt it only in part, he must surely have forgotten, that although the sale of land may be conducted in that republic in a manner conformable to his views, this certainly is not the case with respect to the application of the revenue thus obtained; on the contrary, not one shilling of the money so obtained is applied in assisting emigration from the eastern States; it is not even applied to those purposes of local improvement, which I regard as one of the most legitimate modes of employing it, but it is, on the contrary, almost entirely expended as a part of the ordinary revenue in carrying on the public service. This is the mode of appropriating the sums received from the sale of land which appears even to me an unwise one, though I am not prepared to push to the same extent with him the principle for which the hon. Member contends. But the example of South Australia is still more remarkable. This colony was founded for the very purpose of practically trying that system of colonization which it is the object of the hon. Member to recommend to us. Its administration is principally intrusted to commissioners, who are almost all gentlemen particularly distinguished for their advocacy of this system. The Secretary of State has left them to pursue their own course, almost free from any interference on his part; and yet even in this colony, so founded and so governed, it has not been found practically possible to adhere rigidly to that mode of appropriating the funds derived from this sale of land, which the hon. Member now calls upon the House to declare by his proposed resolution that the Legislature ought to enforce generally in all our colonies by a strict enactment. I confess I was greatly surprised that the hon. Member in his speech totally omitted all reference to that very remarkable circumstance to which I now allude, and which was stated by my right hon. Friend the Under Secretary of State, namely, that the Commissioners of South Australia had been compelled to obtain the authority of Parliament for diverting to other objects a part of those funds arising from the sale of land, which by the original act were made exclusively applicable to emigration. It is true some explanation of this has been attempted, but to what does it amount? Why simply to this, that to meet the necessary expences of the first settlement of the colony it was better to take a part of the funds derived from the sale of land, than to borrow money at so high an interest as ten per cent. on the credit of its future revenue. No doubt it is so, and it is on that account I say Parliament ought not to lay down a strict and unvarying rule which experience has shown that it is impossible in all cases to adhere to without great inconvenience, since even in South Australia it has been found, that an application of a part of the funds derived from the sale of land, which the resolutions of the hon. Member would, under no circumstances, permit, afforded the only method of avoiding the necessity of saddling the colony with the burden of a loan on very high interest. I perceive the hon. Member for Hull is listening to what I have now stated; if I am wrong, I shall be glad to hear from him an account of the revenue hitherto raised in the colony from any source but the sale of land, and therefore applicable, according to the original scheme, to its ordinary expences. Something, no doubt, may have been raised by duties on importation, but I am much mistaken if as yet funds have been levied by these or any other taxes nearly sufficient to meet the necessary expences of the Government, leaving these, therefore, necessarily to be defrayed either by loan, or by a partial diversion from their intended object to the funds obtained from the sale of land. These considerations seem to me clearly to establish the inexpediency of laying down so strictly, as the hon. Member would recommend, the principle, that money obtained by the sale of land is to be reserved for the encouragement of emigration, but I think there is a still stronger objection to that part of the resolutions, in which it is proposed, that for this purpose the revenue derived from that source should be anticipated. I might leave this part of the case upon the admission of the hon. Member for Bridport, who, though he supports the resolutions, has yet shown the inexpediency of adopting without much more inquiry than has yet been bestowed upon the subject, the principle of anticipating the revenue in the manner which has been suggested. But I must add, that I think the course proposed would be in the highest degree imprudent, because if the number of emigrants were to be at once so much increased there would be considerable danger, that more might arrive at one time than it would be possible adequately to provide for. Should this occur great distress and difficulty would be occasioned to the emigrants of which the most exaggerated accounts would be circulated, and thus the disposition to emigrate, which is now so strong in this country, would receive a check from which it might not for many years recover. Those who remember the effect produced in discouraging emigration to Canada by the distress and suffering to which the emigrants were exposed in 1832, by the unfortunate breaking out of Cholera at Quebec and Montreal, and the panic which the disease created, will perceive how important it is, that no similar interruption should occur in the progress of emigration to Australia. Bearing this in mind I must believe, that upon further consideration, the hon. Member himself will agree with me in thinking, that it would be unwise to increase in the manner he has proposed the number of emigrants who are sent to Australia; and when he reflects, that the present population of New South Wales being only about 100,000 my right hon. Friend has stated, that it has received in the last year an addition by emigration of about 10,000 persons, or an increase of ten per cent. he must concur with me in thinking, that this is as fast as it is yet prudent to go. If we allow things to take their natural course the labour of the emigrants already sent out will increase the resources of the colony, and thus each year the funds for emigration and the means of receiving and providing for the emigrants on their arrival will increase; while if we do not produce confusion and distress by attempting unduly to hasten the flow of the current, we may calculate that the emigrants will in general succeed and prosper, and that their letters to their friends and relations in this country will be the most effective stimulants to further emigration. I must add, as another reason for abstaining from the attempt to increase emigration by means of a loan, instead of leaving the stream to become stronger and more rapid by degrees, that I believe, even now, the agent for emigration does not find the number of eligible candidates for emigration to New South Wales much to exceed that for which with the funds at his disposal he is enabled to provide the means of conveyance. For these reasons, I trust the hon. Member will not press the House to adopt the resolutions he has moved; and if he should be inclined to do so, I hope at least he will make some change in the words as they at present stand. These words, I perceive, contain a declaration that land in the colonies should be sold at a "fixed, uniform, and sufficient price;" but the hon. Member in his speech has not given us a single reason for establishing a rule, which, at first sight at least, appears so contrary to every principle of justice and of common sense, as that of affixing the same price to all land, however it may vary in fertility and in natural advantages. Why, I would ask, is this to be? One piece of land may possess the advantage of water frontage, which renders it far more valuable to the occupier than another; one allotment may have a much more productive soil than that which is next to it. Surely, therefore, it is reasonable that there should be some difference in the price of land, of which the comparative value is subject to such extreme variations. If one uniform and arbitrary price should be affixed to all land, whatever may be its quality, we should once more give rise to all those complaints and difficulties which arose under the system of grants. I well remember how impossible it was, under that system, to give satisfaction to the parties to whom grants were made; each man thought that his neighbour's allotment was better than his own, and there was no end to the dissatisfaction that was created, and to the complaints and applications to change one piece of land for another, which were continually pressed upon the attention both of the Governors of the Colonies and of the Secretary of State. All these difficulties have now been effectually got rid of by the simple expedient of public sale and free competition, but they would all again recur, if we were to adopt the principle recommended in the resolutions, of affixing one uniform and fixed price to all land, whatever might be its natural advantages. In conclusion, I have only to repeat, that the resolutions which the hon. Member has moved are not called for by any practical necessity, and that, in their present shape, they are liable to serious objections. I trust, therefore, that he will agree with me, that it is better for the success of that policy which he has advocated, and for which I am not less sincerely anxious than himself, that he should be satisfied with the discussion which has taken place, without pressing his motion to a division, which, I fear, would not look very well in our votes to-morrow.

Sir *R. H. Inglis* observed, that the right hon. the Under-Secretary for the Colonies had talked of clothing distant parts of the world with the laws, habits, and institutions of England, and had forcibly pointed out many of the ties which bound together England and her dependencies; but the right hon. Gentleman had omitted two, which, in his estimation, were most worthy the consideration of the Legislature of this country, because they were the only permanent bonds which could unite the colonies with the mother country. Those two bonds were the language and the religion of Great Britain, wanting which, all efforts to preserve the union would be unsuccessful. This principle was applicable not only to Australia and the West Indies, but to every dependency of the British empire. It was applicable not only to those parts where the language of the mother country was the language of the first colonists, but to those regions where it was not, but where the duty of inculcating the common language and common religion had been neglected. He had listened with great attention to the speech of the noble Lord who had just sat down, and he could not but regret that the noble Lord had wholly left unnoticed the observations which had fallen from the hon. Member for Bridport (Mr. Warburton) with respect to the grant made by his late Majesty George the 4th to the Duke of York —observations which he (Sir R. Inglis) had heard with pain, and which ought not to be allowed to pass without comment by those who were officially the protectors of the rights and prerogatives of the Crown. The great part of the speech of the hon. Member for Sheffield was directed to prove, that the prerogative of the Crown was to be superseded, and the hon. Member for Bridport had objected, not merely to the legitimate influence, but the lawful right of the Crown to make that grant. Did those hon. Members forget that by law the Crown was entitled to make the grant which it made to the late Duke of York? That question had been decided, and he believed not a doubt existed in the mind of any person, in or out of the legal profession, that the Crown had a perfect right to alienate the seignorial rights of the mines in North America. If that were the case, no Member of that House ought to be permitted to say, unchecked, that such an act on the part of the Crown would justify a rebellion in the colony. These were the words of the hon. Member for Bridport. He had only to observe, with respect to general colonization, that it had been brought eloquently and ably before the House and before the public in the speeches and writings of his right hon. friend, Sir R. Wilmot Horton. No question with respect to emigration or to colonization could be discussed without bringing to his recollection the labours of that right hon. Gentleman, than whom no one had bestowed on it more anxious and unwearied attention. The activity of his mind was only equalled by the warmth of his heart. His principle was, that all colonization ought to be in the hands of the Government, and in that proposition he agreed. As the Duke of Wellington had said on a different subject, that "this country could engage in no small war," he thought that the colonization of such a country as this ought to be in proportion to its resources, and that they ought not to leave it to New Zealand commissioners here, or Australian commissioners there, or to some bubble company elsewhere, to send off the industrious, and, in many cases, too credulous population of this country. The Government of the country ought to form their plans cautiously, and with a full sense not only of what they owed to the people here, but also to the people elsewhere; and if they sent out a constitution at all to the colonies, they ought to send out a miniature constitution of England. And, above all, they ought to send out the other blessings of England, great as they were; they ought to send out an adequate provision for religious instruction, which had been greatly neglected in almost every enterprize which had ever been sent forth from England. He was not prepared to consent to the resolutions of the hon. Member; because the first was a mere truism, and the other resolutions, if entered on the minutes, might expose them hereafter to the charge of consenting to that which they were not prepared to sustain.

Mr. *C. Buller* would occupy but a few moments of the time of the House in answering one or two matters which, among the Duke of York's debt, and other subjects, had been introduced into that debate. The noble Lord had prolonged the debate by thinking that he had convicted him (Mr. C. Buller) of an inaccuracy in a debate which occurred three months ago. He had then told the noble Lord that the road from Quebec to New Brunswick was occasionally impassable. He had used the word "now," and he should have said "in the spring;" for in the spring, at the breaking up of the winter, it was utterly impassable. He had mistaken the time of the year. And now, having corrected his knowledge of the seasons, he asserted that no mail could pass from Quebec to New Brunswick at the season when the roads were impassable, and if the noble Lord disputed that, he would join issue with him. The noble Lord had also said, that he had given himself the airs of a traveller. He had given himself no such airs; he had simply referred to an article in the constitution of the United States; and the noble Lord argued, that if this were correct, it was impossible to have local taxation in Australia, for it was found impossible to have local taxation in the new states of North America. Now, travelling had taught him that the sole resources of those new states arose from local taxation. The noble Lord said, that the result was, that many things were ill provided for; but he would ask the noble Lord, or any other person intimate with the colonies, whether, when compared with the new states, whatever might be the defects in those states, they were not better than any colony of this country, though it might be double the age of those states? It was his intention to have made some observations on this important question, but at that late hour he would content himself with saying, that he was glad to hear the language held by Ministers, and that they did not venture to deny the gross abuses which existed in the land grants and emigration into the colonies; indeed, the House generally had, by its silence, virtually admitted the truth of the charges, and had thus shown in the best manner its intention to take into its serious consideration these gross abuses. He hoped the House would take the matter into its consideration; and he had wished that the Ministers would have given some assurance that they would establish the system of land grants on that permanent basis which legislation by the Imperial Parliament could alone give; for he believed, till that was done, no sound system would ever be fixed upon; and that we should continue to waste those mighty resources of this country and the colonies which the waste lands, if properly employed, would afford. This was most important to this country, as leading to what this country required—a vent for the surplus population; and to the colonies, as affording a remedy for their great want—a permanent supply of working population. Therefore it was, that he thought it desirable that the House should pledge itself, that his hon. Friend, the Under-Secretary of the Colonies, could not entertain any feeling to which the House was not a party. It was essential, also, that Ministers should not confine themselves to the mere expression of good intentions, but that they should apply to this subject that attention which the interests as well of the labouring population as of the colonies, so loudly demanded.

Mr. *Shaw* suggested, that an inquiry should take place on the coast of Australia, with the view of applying steam communication to the connection of those parts on which it was most important to found settlements. He suggested this to the Government, in the same spirit as the discussion had been carried on, without any party feeling.

Mr. *S. O'Brien* said, the noble Lord had said that there was great difficulty in obtaining 10,000 emigrants to send to Australia. He could only say, that in the district of Ireland with which he was connected, he believed that there would be no difficulty in annually obtaining that number of emigrants. In the West of Ireland, the people were nearly all in a state of starvation for want of employment, and they had no means of emigrating.

Mr. *Darby* said, that as much emigration was going on from Sussex, he wished to state his objections to these resolutions, In the speech of the noble Lord he fully agreed; and he objected to the resolution, because the first was a mere truth, and the second declared that the land should be fixed at an uniform price; and how was it possible that this could be a fair price? Either the good land would be sold for too little money, or the price of the inferior land would be too high. Again, how could they determine that a fixed proportion should go for passage money? But if the expense were fluctuating expense for the survey of the land, how could they put by a fixed proportion of the money produced by the sale of the land for passage money? Then, again, as to the next resolution, it was declared that, "in order to derive the greatest possible advantage from this method of colonization, it was essential that the permanence of the system should be secured by the Legislature, and that its administration should be intrusted to a distinct subordinate branch of the colonial department." What he understood the hon. Gentleman to wish was, that the colonial branch of the administration for this purpose should be fixed, and not fluctuating; but he (Mr. Darby) could see nothing in this resolution that would make this part of the Colonial-office fixed, and that it should not fluctuate as well as any other. The hon. Member also said, that this principle "should extend to all the colonies which were suited to its operation," but who were to judge of the colonies to which its operations should be suitable?

Mr. *Ward* said in reply, I was aware, Sir, that, in bringing forward the motion, which has occupied so much of your time, one of the difficulties, with which I should have to contend, would be its novelty, and the startling nature of some of the propositions contained in it, to which few men become reconciled without a deeper examination of the subject than Members of this House in general have time to enter upon. With the noble Lord, the Member for Northumberland, who perfectly understands the principle, upon which the new system of colonization rests, I differ principally as to the possibility of carrying it out without the aid of an Act of Parliament, which I hold to be indispensable. The noble Lord, indeed, disputes the necessity of loans; but, I must beg to remind him that loans in anticipation of the land-sales, are just as much a part of the theory developed in the works, upon which he has bestowed so high and just an eulogium, as any of those other parts, which he himself adopts. My right hon. Friend, the Under-Secretary, for the Colonies, has gratified me much by not attempting any defence of the old system, which I denounced. He admits its enormities, but says, that they never can return. I wish I could think so, but the passage, which, by an unfortunate *lapsus linguæ*, my right hon. Friend read from the despatch of Sir George Gipps, proves that Colonial Governors are just as much inclined as ever to keep a control over the land revenue, "as the only disposable fund upon which the colonial executive can draw in an emergency." Now it was this very feeling in Canada, that destroyed the sinews of our strength there, and led to the very abuses, which my right hon. Friend has condemned; and unless the Colonial Governors are limited to a small, fixed, proportion of the land revenue in their casual demands, and compelled to employ the remainder in emigration, those abuses will be repeated, with the best intentions no doubt, under the present Government, as under all those that have preceded it. This is the principal difference between us. With regard to auction, if he wish to produce the greatest possible amount of money from land, there is a great deal in what he has alleged. If he wish to produce the proper proportion between land and people in the colony, he will find auction decidedly inferior, as a system, to the fixed and uniform price. In what he has said, respecting South Australia, he must allow me to set him right. There has been no change of principle, or system, there, since the Act of 1834 was passed, but the commissioners, (for the security of the emigrants), find it expedient to pay only one half of the passage money in advance, and have consequently one moiety of the emigration fund always idle upon their hands, for twelve months at a time, they took power last session, to make advances from the emigration fund to the revenue fund, from time to time, in order to avoid the necessity of borrowing money at 10 per cent. These advances, however, are repaid within the year, the commissioners regarding it as their most sacred duty to maintain inviolate the principles of applying to emigration the whole proceeds of the land sales, without deduction of any kind. Sir, I have already trespassed too largely upon the indulgence of the House to weary it with any farther details, and shall only now add, that if I had brought forward this question at an earlier period of the session, I should not have shrunk from testing by a division the soundness of my principles; but, as I have admitted the impossibility of legislating this year, I shall leave the matter now in the hands of the Government, hoping that it will be so dealt with during the recess as to make it unnecessary for me, or any other independent Member, again to take it up. I shall, therefore, beg leave to withdraw my resolutions, and content myself, for the present, with the hope that they have been the means of bringing, for the first time, a most important subject fairly under the consideration of the House.

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HOUSE OF LORDS,

Thursday, June 27, 1839.

MINUTES.] Bills. Read a second time:—Ecclesiastical Districts.—Read a third time:—Protection against Bankruptcy.

Petitions presented. By the Marquess of Westminster, Lords Glenelg, Abinger, and Ashburton, from a great number of places, for a Uniform Penny Postage.—By the Bishop of Gloucester, from several Clerical Bodies, against the Church Discipline Bill.—By the Earl of Winchilsea, from several places, against any further Grant to Maynooth College; from other places, against appointing Catholic Chaplains to Prisons.—By the Marquess of Westminster, from several places, against the Beer Bill; from other places, for Vote by Ballot, and Triennial Parliaments.

BILLS OF EXCHANGE.] The Marquess of *Lansdowne*, on moving the third reading of this bill, said, that it was his intention to move some alterations. There was a prevalent practice in the city of London which was technically called "forbearance," that was, when a bill was expired, it was renewed without a payment and fresh advance; and the object of his amendment was, to enable a person who forbore to take the same rate of interest as if there was a new advance. The other amendment was, to extend the operation of the bill to other securities besides those already mentioned — to "warrants for goods, bills of lading, and other commercial securities."

Lord *Ashburton* said, that giving authority to take any amount of interest for advances on goods was, in his opinion, objectionable.

Bill read a third time.

The Marquess of *Lansdowne* moved the insertion of the words "warrants for goods," &c. This amendment had been pressed upon him by those who were well versed in commercial affairs, and as warrants for goods represented property *in transitu*, he saw no objection to the proposal.

Lord *Ashburton* remarked, that those who wished for a repeal of the whole of the usury laws would, doubtless, agree in this amendment; but he thought the power ought not to be extended beyond the principle laid down by the bill as it originally stood.

Lord *Brougham* objected very strongly to the introduction of the words, "or other commercial security." They would give rise to contests in courts of law, for there was no such term known in law as "commercial securities." He wished his noble and learned Friend (Lord Wynford) could show him where there was any legislative or judicial construction affixed to the term.

Lord *Ellenborough* suggested, that the amendments ought to be printed. They were afterthoughts, and it was only due to justice and to the interests of the persons who would be affected by them, that their Lordships should not legislate upon such an important subject without a previous opportunity being given to their Lordships to consider well the nature of the amendments proposed.

The Marquess of *Lansdowne* had no objection to postpone the further consideration of the amendments until they were printed.

Amendments to be printed, and to be further considered.

HIGH SHERIFF'S EXPENSES.] Lord *Colborne* rose to move the second reading of the High Sheriffs' Expenses Bill. This measure originated in a report of a Committee of the House of Commons in 1830, on the expenses which fell on the High Sheriff. He need not point out to their Lordships, that the office of high sheriff was one of great importance; and yet this office of high ambition, instead of being regarded as an honour, was looked on as a burden, and every person tried to shuffle it off his shoulders. The object of this bill was to regulate and reduce the expenses of the high sheriffs, and throw them on the county-rates. After some discussions and two divisions, the bill had passed the other House. He only knew two objections that had been started against this measure; one was, that the effect of it would be to lower the character and station of the high sheriff, and induce individuals of lower station to take the office. That was an objection far more specious than true. What was the real fact? Why, that individuals, who, from their known standing in the country, and from their landed property, were nominated to the office, deterred by the expenses, used all their influence to avoid it. The other objection was, that the expenses were to be charged on the county-rates. He had all his life been as unwilling as any one could be to throw any charge on the county-rates, but it was the fair quarter on which to throw the expense; and when they looked at the small sum which would be thrown on the county-rates, and that the expenses of the office of high sheriff would be reduced from 600*l.* or 800*l.* a-year to 200*l.* or 300*l.*, he did think, that that was the proper ground on which the expense should be placed. He only asked their Lordships to give this bill a fair consideration. The office of high sheriff was a very arduous task imposed on a very useful class of society—namely, the country gentlemen.

The Duke of *Richmond*, in pursuance of the notice he had given, begged leave to move, that "the bill be read that day six months." The very reason for which the noble Lord thought this bill ought to pass into a law, was the very reason why he (the Duke of Richmond) thought it ought not—because the bill had been recommended by a Committee of the House of Commons in 1830. His noble Friend was a Member of the House of Commons at that time, and if he had thought this so useful a measure, why had he not introduced such a bill at that time? The noble Lord said, that the high sheriff's office was an office of high honour. He admitted that, and the high sheriff must pay for honour like everybody else. He did not want the expenses on the high sheriffs to be so high as to ruin them. The noble Lord said, that the high sheriffs when appointed used great interest to get off, and that the country gentlemen got made militia officers, by which they became exempt from serving the office. There was very great difficulty to get off, and he had no objection to prevent the being in the militia an exemption from the duty. One objection he had to the bill was this, that the high sheriff was to be paid for his javelin men; that he was to appoint not more than twenty-two javelin men and two trumpeters, nor less than ten javelin men and one trumpeter, and then the clerk of the peace was to pay for them, and the justices were then bound to pay this sum out of the county-rates. He thought it rather a new principle, that the clerk of the peace was to go into what expense he thought fit, and then that the magistrates were to be obliged to pay for it. He wanted to know why the high sheriff was not to pay for his office, the same as every other person? If the guardians of the poor, if the overseers of the poor, if the jurymen, and if the grand jurymen went great distances to do their duty to their country, and did that duty cheerfully, why was the high sheriff to be relieved? It amounted to no more than this—that they were going to relieve the rich man from the expense, and put it on the county-rates. Now, who paid the county-rates? The landholder, the farmer, and the labourer—ay, the labourer, too, for he paid his quota, and they were going to make him contribute towards this expense. He thought, that if Gentlemen in the country were of opinion that this expense ought not to be paid, they should be straightforward enough to come forward and say, "We cannot afford to pay this expense, and we decline to do so." His Grace concluded with moving "that this bill be read this day six months."

The Earl of *Winchilsea* said, this bill would be a most unpopular measure, because it would increase the county-rates. The duties and expense of the office of high sheriff were only borne once, whilst the duties of jurymen and other onerous duties were borne frequently by other classes. On these grounds he should support the amendment of his noble Friend.

The Marquess of *Lansdowne* thought it would be hardly worth while to interfere in the appointment of sheriff in the way that was proposed by this bill, and as it would throw the burden of the expense on the poor, and relieve the pocket of the rich man, or of him who ought to be rich, he thought it was better not to be passed. It was true, that very often persons appeared on the roll who ought not to be placed on it, and persons who ought to be on it were omitted. There ought to be greater care in the persons chosen for the office. Those who were appointed were repaid for the expense by the honour of serving the old constitutional office of high sheriff, which he should be sorry to see pass into disrepute, and which was an office which gave a gentleman an opportunity of distinguishing himself by the manner in which he discharged his duty. He had directed a bill to be drawn for the purpose of preventing militia officers being relieved from serving as sheriffs, unless they were on active service, and he really did not think the present bill would afford much relief, while it was of an invidious character.

Lord *Colborne* had been convinced, not that the bill was a bad one, but that he had no chance of carrying it. The noble Earl said, why were not the sheriffs to pay their expenses the same as grand jurymen? But the pinch of the case was this, that a grand juryman paid his own expenses, but the high sheriff was called on to pay the expenses of other people. He begged leave to withdraw the bill.

Bill withdrawn.

Affairs of Malta.] The Earl of ***Ripon*** was glad that he had at length an opportunity of drawing the attention of their Lordships to some matters connected with Malta, which appeared to him of considerable importance. He regretted considerably, that some circumstances had occurred beyond his control, which had prevented his bringing this matter under their lordships' consideration at the time he had selected for the purpose; and he should have been very unwilling indeed to press this matter on their lordships' notice if he did not feel that it related to matters which had affected individuals most severely, which had inflicted on them great hardships, great injustice, and great wrong, and if it did not involve principles which he thought were of great consequence as regarded the constitutional relations of the commissioners of inquiry and the executive Government. He had also to state, as another reason why he felt himself bound to proceed with this motion, that there were matters connected with this subject which personally affected himself; and although the noble Marquess (the Marquess of Normanby), when he (the Earl of Ripon) had given notice of this motion, had been pleased to characterise it as "an injudicious motion," he nevertheless felt that he should not be doing justice to the individuals to whose cases he referred, if he did not bring it before their lordships. In what respect it was injudicious he certainly was at a loss to conceive. No doubt it might be thought injudicious in him to suspect the infallibility of the Maltese commissioners, and the propriety of the mode in which they had treated persons of very great consequence. It might be very presumptuous in him to question the infallibility of the conduct of the Colonial-office, or of the Lords of the Treasury, for the way in which they had dealt with those persons; if so, he was very sorry for it. But he trusted he should be able to show to their lordships, that there were just grounds of complaint with respect to the conduct of the commissioners and of the colonial-office on this subject. The matters which he had to lay before their lordships related to the removal from office of three individuals—the chief justice, the Attorney-General, and the collector of land revenues. His object was to obtain certain information with respect to these cases, in order that their lordships might see whether justice had been dealt out. Those Gentlemen had held situations in Malta for different periods; the chief justice for twelve years and a half, the Attorney-General for seven years, and the collector of land revenues for something more than five years. They were every one of them cashiered without ever having been heard; no questions were asked of them; no examinations were gone into at which they were present, with respect to the nature of their duties or the manner in which they performed them, with respect to the effect, or the consequences of so depriving them of their situations; all that was done without asking them any one question, or giving them any one opportunity of vindicating their conduct, and showing that the opinion of the commissioners was wrong. They never knew, and they did not know at that moment, who was examined with respect to their conduct; they did not know whether anybody was examined; nothing had been communicated to them of what anybody had said of them. They had never been told whether the evidence given against them was given by some rival, by a personal enemy, or by a subordinate in an office; and they might, for aught they knew, be the victims of persons stating things behind their backs which they had never appeared in open day to confirm. The resolutions taken by the commissioners to recommend the removal of those Gentlemen had been sent home without any communication being given to the parties concerned, that such a recommendation had been given, and they were, therefore, deprived of the opportunity of meeting any impression to be made on the noble Lord's mind by any protest against that resolution. He thought that was a course of proceeding contrary to the first principles of justice, a course never adopted towards any persons with respect to whose offices commissioners had heretofore been appointed to inquire. If, indeed, the duties of these commissioners had been to make inquiry respecting reports, abstract principles, and *dilettanti* views of society, it might be thought unnecessary to go into inquiries. But when the result of that investigation was to affect the present interests, the individual characters, and the personal feeling of individuals, he did say, that those individuals had a right to expect that they would themselves have been examined, and have been furnished with an opportunity of showing that they were not to be deprived of their situations, and have their prospects in life blasted, and have, as had been the case in one instance, positive ruin inflicted on them, without having the opportunity of showing how unjust such a removal would be. He must confess, that he was astonished that his noble Friend himself was not struck with the unfairness of this course before he came to a decision on the subject, and advised the Crown to adopt this recommendation. He wondered that his noble Friend did not think it would have been just to ask those Gentlemen whether they had anything to say in their own defence. But he had not done that; he had adoped the recommendation of the commissioners, and had cashiered those Gentlemen, and although the commissioners did recommend in the most unequivocal manner that they should not be removed without having a fair remuneration and superannuation, his noble Friend, in a moment of forgetfulness, had removed them without either remuneration or superannuation. This recommendation was to be found in one of the earlier reports, which laid down this general principle—" That it has been the usage in the colonial service to give compensation to persons whose offices have been abolished;" and they went on to say, " unless a provision of that kind were made for such persons, we ourselves should be unwilling to recommend reductions which would cause so much suffering to individuals, and her Majesty's Government would perhaps be unwilling to adopt such recommendation." His noble Friend did partially adopt the recommendation of the commissioners: he transmitted the cases to the Lords of the Treasury; and he no doubt sincerely recommended to the Treasury to consider the situations of these Gentlemen favourably; but his noble Friend ought to have reflected, for he knew very well that the Treasury were governed by strict and inflexible rules—his noble Friend ought to have remembered that there was a *robur et æs triplex* round the bosoms of those occupants of Downing-street which it was difficult to soften, or, softening, to bend. But, he must say, he did wonder why his noble Friend did not at once say openly and fairly to the Lords of the Treasury, " If you do not give these men compensation, I shall postpone acting upon the recommendations of the Commissioners." This would have been fair to the public, and fair to the parties. But this course his noble Friend did not follow. He thought he had now shown that great harshness had been practised towards the gentlemen in question. They had been deprived of their offices without any previous intimation of such an intention being entertained, and without anything like an opportunity of stating their own view of their case by way of explanation or defence. This was bad enough, but the harshness of which he complained did not end here. When these gentlemen came to England, they were obliged to fight their own battles, to go themselves to the Treasury and represent their case, and everybody knew how hardly parties in such a situation were likely to be treated there, and how unlikely they were to obtain what they were entitled to. He contended, that a grievous injury had been inflicted upon these gentlemen. He should next proceed to state the principal circumstances of each case. The Attorney-general and the Chief Justice of the island were both recommended to be removed by virtue of two several reports of the commissioners, dated respectively the 19th and 18th of April, 1838. But their Lordships would be surprised to learn, that in reality no reports, written at the period of those dates, were in existence, the reports which purported to be of those dates, being, in truth, framed and written at a subsequent period, and antedated for the purpose of giving a proper colour to the transaction. The following were, what he must think, the very peculiar circumstances of this affair. It seemed that the real reports reached the Colonial-office in the month of May, 1838, and immediately engaged the attention of his noble Friend.

> "The result," his noble Friend said in his despatch of November 10, 1838, "of much consideration was to convince me that the recommendations of the commissioners, as originally framed, could not be acted upon without some serious inconvenience."

This paragraph, he (the Earl of Ripon) thought might give room for some little doubt as to the propriety of the recommendations upon which, according to the Secretary of State, it was thus inexpedient to act. It also absolved him from the noble Marquess's charge of bringing forward this subject injudiciously. But the despatch went on to say, that his noble Friend, in these circumstances, thought it advisable to wait until the commissioners came to England, then his noble Friend, the Secretary of State, and his noble and learned Friend on the Woolsack, in conjunction with the commissioners, proceeded to revise the original reports, and to concoct an entirely new scheme. His noble Friend stated,

> "Various conferences were held between the commissioners and myself, assisted by the Lord Chancellor, whose judgment upon questions of this nature is, of course, entitled to the highest authority. Having received a full statement of the difficulties which had suggested themselves, the commissioners requested permission to withdraw their original reports, with a view of making such amendments, as, upon a consideration of the whole subject, should appear to them desirable. After mature consideration, the commissioners returned their reports to me in the form in which they now appear. The original dates are retained, and the amendments are not distinguished, nor am I aware that there was any sufficient motive why such a distinction should be made."

He confessed this appeared to him to be a very extraordinary proceeding indeed. This was confounding the relations of the Executive Government and its commissioners. Why were commissioners appointed? And why was power of inquiring and of reporting given to them? Because the Executive Government had not time, or had not opportunity or other means, to make the necessary inquiries. The Crown therefore stepped in and delegated the necessary power to commissioners, whom it sent out to pursue the investigation on the spot. But what was the duty of the commissioners? They were bound to give the Crown the best of their judgment and suggestions upon the subject submitted to them; they were bound to present to the Crown, not what the Executive Government might please to concoct, but the deliberate result of their own free opinions. But if this were not the duty of commissioners, and if they were to be allowed to concoct their reports to meet the views of the Executive Government, what injury might be done, and what injustice on individuals? He did not say that his noble Friend would permit or abet anything of that sort, he only pointed out the tendency of such a practice; but he did say, and he said it with all respect, that the commissioners, in conjunction with his noble Friend and the noble and learned Lord on the woolsack, had appeared to forget, in these consultations of ~~theirs,~~ the relative situations which they held with respect to one another. But if they thus got hold of the reports of these gentlemen, and then made them take them back and alter them to meet their own views, then his noble Friend opposite and his noble and learned Friend on the woolsack made themselves responsible for the amendments, which probably they suggested on the original reports. They were responsible, in fact, for the whole and for every part of the new reports, and especially had they made themselves responsible for that part of the report which respected the Chief Justiceship. To this he would now ask their Lordships' attention, although it was the same part to which he had taken the liberty of calling attention formerly; for at that time he did not know, or at least had not adverted to, the remarkable circumstances which attended the making of this report. This is what the report says, after stating that an objection might be made to the abolition of the office of Chief Justice, inasmuch as the presence of an English lawyer, in an official measure, is a useful restraint upon the military government of the island, and imbues its legislation and administration with the free spirit of British institutions:—

"This objection to the measure is refuted by experience; for though, during some years, the chief legal offices have been filled by English lawyers, the island was not governed, before the accession of the present governor, with the requisite regard to the reasonable wishes of the people."

Now he wished to know, upon what grounds the commissioners stated, that till lately due attention had not been paid to the reasonable wishes of the Maltese? Had they inquired into the subject before they made the report? He had been a colleague of his noble Friend, and though he was not called upon to defend other Governments, yet he was bound to defend himself, and he must say, he would like to know what his noble Friend had ever found in his administration of the affairs of Malta which showed that he had not paid every requisite attention to the wishes of the people of the island. He protested against the statement as coming from these commissioners; he protested against it as coming from his noble Friend, who must have had proper knowledge of the real state of the case; but most of all he protested against it as coming from the noble and learned Lord on the woolsack? For what could his noble and learned Friend know about it? It was impossible that he should have investigated the matter. He must say, therefore, that he was surprised and sorry that the noble and learned Lord should have sanctioned such a statement, and he defied him to prove it. The report went on, with its own singular complacency, to contrast the results of the mode of administering the Government of Malta which had been pursued under former governors, with the contrary effects which would have followed had what they themselves now suggested been adopted formerly, and, among other things in which they contrasted themselves with other persons, was mentioned that celebrated law of libel which his noble Friend was so good as to introduce into the island. Now, he had looked into that law, and he did believe, that if he had his noble Friend and his noble and learned Friend, and the two commissioners in the island of Malta, he could convict them all of a libel under their own law, provided only, that he possessed the ingenuity of a pettifogging Maltese lawyer, and shut them up in prison. Telling these loose stories by the commissioners was not the way in which public business ought to be done. But the commissioners recommended the abolition of the Chief Justiceship on the ground that the office was useless, that it was very exorbitantly paid, while there was but little to do; and they went further, and actually laid it down as a principle, that it was a sort of robbery of the Maltese bar that one English judge should be allowed on the bench. This proposition he held it quite impossible to maintain. But he would not have the bench exclusively filled by English judges; nor was it so in fact; there always were several Maltese judges. It was true, that by excluding English judges you might succeed in confining the governor to make his selection of each judge from the small Maltese bar; but it was obvious that, limited as the business of such an island must be, its bar must be too confined a body to select judges from at all times. They would become committed to, and engaged in, the petty party politics of the place, and there might be imagined many circumstances and situations of affairs in which, with such a taint upon him, a judge so chosen would be most unfit to administer justice. It was, therefore, preposterous to say, that no judge should be chosen except from the Maltese bar. In another point of view, this would appear clearly. From the moment that Malta was first assigned to us by the peace of Paris to the present time the efforts of this Government were directed to improve the law of the place—that law which was then by far the most barbarous that he was acquainted with—and to infuse into it the just principles of the British jurisprudence. Incorporated, therefore, as the existing law of Malta was with our system, how could the commissioners expect that we should be able to administer it satisfactorily without having an English lawyer on the bench? There were many others besides Maltese who frequented or inhabited the island, and came under the jurisdiction of the courts. There were crews of British vessels, there were traders and merchants, and visitors for pleasure, and great numbers of English of all descriptions, and he was convinced that they would find the adoption of this principle of doing without an English judge would be odious and impracticable, and it appeared to him extraordinary that any one should think otherwise. But, whatever might be the value of his opinion, there was one to whom this alteration did not occur, and he thought that his opinion was worthy of attention—he meant the late judge, Sir John Richardson. He was a man of high honour and unimpeachable integrity, and it having happened to him to take a voyage to Malta for the benefit of his health, the Government asked him to take up the subject of the state of the law there. He did this for the space of two years, and made several valuable reports, all of which shewed, that he had well considered the object of the introduction of the English law, and of ameliorating the Maltese law; but it had never occurred to Sir John Richardson to suggest that there should be no English judge. The commissioners had done this; but he thought Sir J. Richardson the better authority. But it seemed the Chief Justiceship was held by these Gentlemen to be useless. He wondered on whose evidence this was said. He was curious to know who was the wise man in Malta who gave the hint to the commissioners. They did not, he supposed, ask the opinion of Sir John Stoddart himself. Such an alteration ought not, however, to have been made without calling upon the individual to state what he could on his own behalf. Was there nothing in his having been Chief Justice twelve years and a half, that made it likely he should be well qualified to give evidence on the state of the administration of justice? Nobody doubted that learned judge's honour, nobody doubted his integrity, and therefore he should have thought it proper that the commissioners should have consulted him. But there was another who had taken much interest in 1830, in conjunction with the authorities of Malta, in introducing an amelioration into the civil code, and the terms in which this person, the Secretary of State, conveyed his sense of the merits of Sir J. Stoddart were highly laudatory of the clearness and ability with which the subject of legal reform had been brought before him by Sir J. Stoddart. He alluded to the opinion which he had formed as Secretary of State, of Sir J. Stoddart's merits, and he did not expect to hear that he was deceived. If that opinion was correct, then he said that Sir J. Stoddart ought to have been consulted, for then Sir J. Stoddart possessed above all men the very qualifications which would have enabled him to render valuable assistance. But his advice they never condescended to ask, and whoever read that report would be struck with the cold, harsh, manner in which the commissioners spoke of Sir J. Stoddart, as an incubus upon the exhausted revenues of Malta, as an usurper of the rights of the Maltese bar, and as one who ought not to be allowed to retain his situation. That was not the way in which public servants ought to be treated, if they wished the public service to be well done. On the 10th of November, 1838, his noble Friend said, that he wished that Sir J. Stoddart should be informed that from the 31st of December following, his office of Chief Justice should cease and determine, and this was the first intimation that he received of his removal. Yes, the first intimation he had was to the effect that in six weeks from that time he was to pack up his goods and be off, bag and baggage, as though he were a person from whom the Maltese ought to thank God they were relieved. He thought this was very sharp practice. His noble Friend opposite seemed to have been petrified by the coldness of the commissioners, for all the explanation that he deigned to make to Sir J. Stoddart was in a dry notice, that the decision of the Government to abolish the office of Chief Justice after the 1st of January, 1839, had been arrived at solely on considerations of general policy. This was all that his noble Friend opposite had thought it necessary to say to the Gentleman who was thus harshly and unexpectedly deprived of his office; this was all the attempt that had been made to soothe his wounded feelings under so heavy a blow. Perhaps, his noble Friend was not acquainted with those lines of Spenser:—

"Ah! little know'st thou that hast not been [tried
What hell it is in sighing long to bide,
To pass long days that might be better [spent,
To waste long nights in hopeless discontent;
To speed to-day to be put back to-morrow,
To feed on hope, to pine in fear and [sorrow;
To fret thy soul with crosses and with [cares,
To eat thy heart with comfortless despairs;
To fawn, to crouch, to wait, to ride, to [run,
To ask, to give, to want, to be undone."

He would now call their lordships' attention to the abolition of an office which he had himself created—that of Attorney-general. He had incurred some blame for calling this office into existence. The commissioners asserted that it was a sinecure, but that he confidently denied. He denied it upon the authority of the Attorney-general himself, and he said that they were bound to listen to the Attorney-general's authority, because the commissioners had never asked him a single *viva voce* question with respect to his office. They had not even thought of consulting the Governor, the Chief Justice, or any other of the great functionaries of the colony. In August, 1837, the gentleman who filled the office of Attorney-general having suffered materially in his health from the climate, obtained leave of absence and came to England. About the end of January, 1838, he reported himself as sufficiently recovered to be able to return to the discharge of his duties. His noble friend opposite, however, desired this Gentleman not to go back, because it was probable that the commissioners would recommend the extinction of his office, and thus, because he was about to be deprived of his office, the Attorney-general was ordered by his noble Friend to stay in England, and deprived of the opportunity of communicating his knowledge to those who were to deprive him of it. But this command to remain in England bore very hard upon the Gentleman for another reason—that during the time of his stay here he would receive only half of his salary 400*l.* instead of 800*l.* At last permission was given to this Gentleman to go back, and he sailed in the month of April; the vessel which carried him to Malta leaving Portsmouth about the same day on which the vessel sailed from Malta that conveyed to his noble Friend the recommendation to abolish the office in question. The first news that greeted the Attorney-general on his arrival in Malta was, that the commissioners had written home to recommend the extinction of his office, and there he was left, wounded in his personal feelings, injured in his character, and with his professional prospects blasted. He knew there was not a respectable man in the island who, if called to their Lordships' bar, would not say, that this was the case. He had been induced to create this office from the representations of Sir Frederick Ponsonby, who stated, that he was constantly placed in the most difficult situations from the want of an English legal adviser, and declared that if such an officer were not sent out, it would be impossible for him to administer the affairs of the colony in a satisfactory way. It would have been unseemly that the Lord Chief Justice should have discharged the duties of giving legal advice upon points which might afterwards come before him in his judicial capacity, and he (the Earl of Ripon) had, therefore, thought it necessary to appoint an Attorney-general. Had this office been a sinecure, he might have bestowed it upon some one person out of many who would have been exceedingly obliged to him, and no blame for so doing could have been imputed; but knowing the importance of the office, he had, instead of gratifying any personal wishes of his own, applied to his noble and learned Friend opposite, who held the great seal, and begged him to recommend a man well qualified to fill it. That was a pretty good proof that he did not think the office a sinecure, and the person recommended by his noble Friend was one whom he did not know, and had never seen. Nobody had ever said, that that Gentleman was incompetent to do the duties of the office, or that he did not discharge them faithfully; but he was condemned without a hearing, on the bare assertion of the commissioners, that the office he filled was a sinecure. On returning to Malta, and learning that they had recommended its abolition, this Gentleman was kept, as it were in a state of suspended animation for some months, uncertain what the decision of the Government at home would be. At last he came to England in August to learn what that decision was. Ministers had not yet made up their minds, but at last, on the 17th of October, he received a communication from the Secretary of State's office, containing the warrant for his execution, as it might be termed, which was to be carried into effect on the 31st of the month. The grounds of the decision were never communicated to that gentleman, and he could not, therefore, enter on any defence at the Treasury. At last Ministers took his case into consideration, and acquainted him that on reviewing the nature of the office, and the other circumstances of the case, they had come to a resolution of granting him 300*l.* So there was a man who had abandoned his professional prospects here to accept an office which he had held for seven years, without a suspicion that he was to be cashiered, who was deemed to be sufficiently rewarded for loss of reputation, and injury to his feelings, for he had suffered all these, by a sum of 300*l.* It was difficult even to discover from the letter that the sum was to be 300*l.*, and he would recommend the Lords of the Treasury, if they wished their meaning to be clearly known in any future case that might occur, to write English. He must say a few words on the case of the island collector. He had appointed a gentleman to that office in 1832. He knew that it was not an office that would require great labour, but he knew that it would require good sense, honour, integrity, firmness, and resolution, and those qualities the gentleman whom he had appointed possessed. The commissioners who seemed to have taken as their rule of guidance a crotchetty notion that no Englishman ought ever to be employed in the colony, recommended his removal, and, accordingly, this gentleman, whose name was Cumberland, was removed. The loss of his office, for which he was not prepared by any intimation of the intention to remove him, went far to deprive him of the means of subsistence; but he was in some degree consoled by being told that he would have an excellent retiring allowance. What, then, was his consternation, when he learned that the decision of the Treasury was that he should be paid in full the paltry sum of 250*l.*, which was to be considered a superannuation allowance. The sum was expended in removing his family of five or six children to England, and this gentleman was reduced to depend for subsistence on the assistance of his personal friends. The gentleman felt his case to be so hard, that he represented it to the Secretary of State, and from the manner in which he was received, he was induced to hope that that noble Lord would interest himself in it, and procure him a permanent allowance. Months elapsed without any thing being done, and at last, in November last, Mr. Cumberland was told that the papers relating to his case had been lost at the Treasury, which had occasioned the delay. December and January passed in the same way, and at last, in February, his noble Friend opposite was himself cashiered, and he (the Earl of Ripon) believed without being examined. Some dirty anonymous scribbler had insinuated that he had a personal motive in bringing this case forward; he had no personal motive but an honest desire to see justice done; at the same time he would not conceal from their Lordships that Mr. Cumberland was a connexion of his. He recommended that gentleman to make an application to the Chancellor of the Exchequer, and Mr. Cumberland accordingly addressed a letter to that right hon. Gentleman, which he would take the liberty of reading to their Lordships:—

"I entreat your personal consideration of my unhappy case, which has been before the Treasury for many months, whither it had been transmitted by the late Secretary of State for the Colonies, Lord Glenelg. I held a responsible situation under the Government of Malta, to which I was appointed by Lord Ripon in 1833; and having for then five years discharged the duties of the office, was deprived of it last year upon the recommendation of the Maltese Commissioners, not upon ground affecting my character and conduct, but in order to give immediate effect to the general principle laid down by the commissioners of employing native Maltese, and not Englishmen, in offices such as that which had been intrusted me. The commissioners, however, accompanied their suggestion of my removal, by recommending that I should have an adequate superannuation. All, however, that has been granted to me was a sum of 250*l.*, once for all, the whole of which was absorbed in the inevitable and ruinous expense of moving myself and family to England. I am now left with a wife and six young children utterly destitute, with all the horrors of poverty staring me in the face; I am in fact supported (and as a gentleman you will understand the pain I feel in avowing it) by the bounty of connexions; but that is a resource which cannot last, and upon which I have no right to rely. I appeal, therefore, to your humanity as well as justice, and if you will be kind enough to look into the circumstances of the case yourself, and, above all, if you would permit me to give you any personal explanation upon the subject, I am confident that you will feel that my case is one of hardship, if not of cruelty, as singular as it is undeserved. I feel that I have very imperfectly stated my case; but I could not say more without intruding too long upon your time. At all events, I implore you to obtain for me some decision, even if it be adverse."

Such was the affecting language in which this gentleman stated his case. He might inform their Lordships that Mr. Cumberland was the grandson of the gentleman of that name distinguished in the literary world, but whose labours had not enabled him to leave his children independent. Mr. Cumberland had entered the army at a very early age, and he had for a short time the honour of being aide-de-camp to the illustrious duke near him. Mr. Cumberland had the honour of standing by that great man's side at the assault of Badajoz, one of the most splendid achievements which had crowned his immortal career. Although compelled by ill health to quit that arduous situation, he had returned to his regimental duties at the very earliest moment that his health permitted. At the siege of Bayonne he had an opportunity of distinguishing himself, not certainly in a way to be very conspicuously noticed; but he had behaved most gallantly when in command of a picket of guards, who opposed the first resistance to a sortie made from Bayonne, at a time when a detachment of British troops under General Stopford was exposed to great danger in consequence of a failure to carry a bridge. Such had been the conduct of this gentleman, who was reduced to poverty by the recommendation of the Commissioners. Another misfortune had also fallen upon him, which was not unfrequently contingent on such circumstances: he had had born to him, as nearly as fast as possible, six children. Well, Mr. Cumberland returned to England—he sought to obtain from the Chancellor of the Exchequer a personal interview. That interview was not, however, accorded to him. The Chancellor of the Exchequer was unwilling to be hampered with the case—nay more, something or other occurred which prevented the Chancellor of the Exchequer from even sending an answer to Mr. Cumberland's application. The Chancellor of the Exchequer did, however, something for Mr. Cumberland; for after a lapse of some time, the Treasury thought that the case was a hard one, and gave Mr. Cumberland, as a superannuation, 100*l.* They admitted, that the sum of 250*l.* was useless as a superannuation, it having been absorbed in the expenses of bringing his family home; so that for these five years of public service, having been dismissed not for any misconduct, not at his own request, not upon any charge preferred against him, he had the comfort of endeavouring to live, or rather to starve, upon the interest of 100*l.* That was melancholy treatment for any gentleman to experience, and such treatment as Mr. Cumberland, after his services, ought not to have experienced. It would have been only fair to Mr. Cumberland, that the Secretary of State should have provided for him, before his removal from his office was carried into execution, such a compensation as would have relieved him from the painful situation in which he was now placed. There were one or two other circumstances connected with this case to which he wished to call the attention of their Lordships. He thought the case of Mr. Cumberland so hard, that he wrote an official letter to the noble Marquess opposite, the Secretary of State for the Colonies. In that letter, he recapitulated to his noble Friend as briefly as possible, all the circumstances connected with it. He invited his noble Friend's personal attention to them, and requested him, on public grounds as well as on private, to see whether something more could not be done for this unfortunate gentleman, and to consider whether the recommendation of the Commissioners could not be more effectually carried into execution on his behalf. He had no reason to find fault with the course pursued by his noble Friend opposite in this affair; he believed that his noble Friend had, personally, a friendly feeling towards Mr. Cumberland; but the case had been substantially decided before his noble Friend came into office. He had no doubt, that his noble Friend had made a representation to the Treasury on the subject. That representation, however, had not been successful. On the 9th of April last, the Treasury had written a letter to the noble Marquess opposite, which had been subsequently communicated to him (the Earl of Ripon), declining to do anything more for Mr. Cumberland, and using, at the same time, some expressions which he considered as consummating the injustice with which that gentleman had been treated.

"You will also further observe to his Lordship, that Mr. Cumberland's removal from the office in which he had been placed at Malta had been recommended by the Commissioners of Inquiry, on the express ground of notorious and admitted inefficiency and incompetency for the performance of the duties of it; and the adoption of that recommendation by Lord Glenelg had, as it appeared to my Lords, evinced his Lordship's assent to the grounds on which it was submitted."

The Lords of the Treasury added, that for those reasons they could not grant any further extension of the gratuities which had been already assigned to Mr. Cumberland. At the eleventh hour to come out with a statement of this kind against a gentleman who had never been charged with inefficiency and incompetency, and who had never been examined or heard on such a charge, was, in his opinion, an unprecedented act of injustice. The Treasury had refused to do justice to Mr. Cumberland upon that statement, which alleged a very different ground from that on which the Commissioners had recommended, and on which his noble Friend had authorised his removal. If the Commissioners should undertake, and he had no reason to believe that they would undertake, to charge Mr. Cumberland with inefficiency and incompetency, he would, on that gentleman's behalf, undertake to affirm unhesitatingly, that there was no foundation for such a charge. With their Lordships' permission he would read the terms in which the Commissioners had recommended the abolition of Mr. Cumberland's office. He had experienced some difficulty in finding that recommendation, as it was contained in a report relating to another office. It was thus expressed, and he would read all that the Commissioners had said respecting it:—

"As nearly the fourth part of the public revenues of Malta is derived from the Government lands, it is obviously very important that the office of collector should be efficiently discharged; and it appears to us, that from his necessary ignorance of the language of the country, and of the details of the management of landed property, scarcely any Englishman would be competent to discharge it."

Now, that was clearly no charge against Mr. Cumberland—it was a general reflection against all Englishmen, and a very absurd one too. It would be absurd to suppose, that his noble Friend, the Chief Commissioner of Woods and Forests, would refuse to appoint a gentleman to the situation of collector of the rents of the Crown in Yorkshire, simply because he was ignorant of the Yorkshire dialect, or at least not as well acquainted with the language of its peasantry as he was, who happened to be a Yorkshireman. He verily believed, that when his noble Friend appointed, a few days ago, a young gentleman to collect the rents of the Crown in Wales, he had never inquired whether that gentleman could talk Welsh, or whether he was well acquainted with the details of Welsh agriculture. And yet, because Mr. Cumberland could not talk the barbarous-Arabico-Italico jargon which was in use in Malta, he was to be deemed incompetent for his office. But the report proceeded—

"We likewise think that the present salary of the collector is higher than is requisite for obtaining the services of a perfectly competent Maltese functionary. We therefore recommend that Mr. Cumberland be immediately superannuated."

Now, he would ask the House to consider whether the Commissioners could have recommended that Mr. Cumberland should have a retired allowance and a superannuation if they had deemed him incompetent to the discharge of the duties of his office? If they had deemed him incompetent, they would have said, "Give Mr. Cumberland nothing;" but this they had not said, and therefore their language ought not to be construed as insinuating that he was incompetent. If the Commissioners were standing before him, they would tell him that they never intended to cast any reflection upon the competent manner in which Mr. Cumberland discharged the duties of his office. He complained, however, of this Treasury letter on another account—it was a recorded bar against Mr. Cumberland's future employment in any capacity in the public service. If Mr. Cumberland should ask for it, the noble Marquess opposite would say, and would be entitled to say, "I am sorry for your case. I feel all its hardship, but I cannot fly in the face of the Treasury report. You have been dismissed once from your situation on account of notorious incompetency. What a clamour will be raised against me in the House of Commons if I should venture to restore you to it after such a declaration. I am sorry, I repeat, for your case; but I cannot do anything to relieve it." So that not only was Mr. Cumberland placed by this Treasury letter in a situation of great distress, but he was also deprived of all chance of obtaining hereafter a situation in the public service. He would not detain their Lordships with any further observations on this case. It was enough for him to repeat, that this unfortunate gentleman had been removed from his office, without being examined or heard in his defence—that no money had been lost—that no job had been encouraged—that no delay had been occasioned—that no circumstance had been alleged against him in the discharge of the functions of his office. Even now he did not know who had been examined against him. He knew that he had not been examined himself. He knew that the Governor of Malta had not been examined; for that officer would have gladly borne his testimony to his zeal and competency. He knew that the Chief Secretary had not been examined, for the Chief Secretary would also have borne testimony to the same effect. He knew that the Auditor-general had not been examined, for he too would have spoken to his competency. If Mr. Cumberland had been incompetent, that officer at least must have known it, as being the person best qualified to decide how Mr. Cumberland had discharged the functions of his office. He therefore said that it was impossible to impute anything to Mr. Cumberland which would have justified his removal from office without a superannuation. The upshot of these proceedings was, that he had been calumniated without being heard, that he had been condemned without proof, and that he had been ruined without redress. He was well aware that this was a case in which the House could not formally interfere; but, perhaps, as a matter of admonition, what he had said that night might not be deemed unworthy of attention. He hoped that it might teach commissioners in future, to examine before they reported, and those who were intrusted with the executive government, to consider that they might not be doing justice in carrying blindly and carelessly into execution the recommendations of their commissioners, and in confirming the injustice to individuals which their recommendations might be calculated to inflict. The motion with which he should conclude was, for the production of the evidence taken in this case, and for some other papers connected with it.

Lord *Glenelg* was anxious to offer a few considerations to their Lordships on the speech of his noble Friend. In that speech his noble Friend had made animadversions on the conduct of the Government, on the conduct of the Maltese Commissioners, on the conduct of the Colonial office, on the conduct of the Treasury. Entering, as he did, into the feelings of his noble Friend on some part of the subject, he was not surprised at the warmth with which his noble Friend had expressed himself on some part of his topics. But in the very outset, he begged leave to enter his protest against one species of language which his noble Friend had adopted, because he thought that it was inconsistent with what were usually termed constitutional principles, and with the ordinary experience of official life. He was alluding to his noble Friend's assertion that, when an office was abolished, it amounted to a cashiering of the officer who held it, fixing upon him a rebuke and a reproach, and levying on him a penalty as for some criminal conduct, or at least for misconduct. He was well aware that his noble Friend had not made that assertion in so many express words; but throughout his speech, he had spoken of these officers as being cashiered, and had taken it for granted that, because they had been dismissed, they had been condemned in the eyes of the whole country. Now, that he maintained was an untenable proposition, and he appealed to his noble Friend whether he had ever admitted it, whilst he was in possession of office. He alluded more particularly to the report made by the commission issued by his noble Friend, to inquire into the revenue offices in Ireland, and to the offices which his noble Friend abolished in consequence of that report.

The Earl of *Ripon*.—The holders of all the offices then abolished were examined.

Lord *Glenelg*.—That was a different question, to which, hereafter, he should have occasion to advert. Certain offices, in consequence of the report of that commission, were abolished in Ireland, and the holders of them lost their places; but it never was acknowledged as a principle, that a stigma was thereby affixed upon their characters. But he must state further, that there were two questions blended together in his noble Friend's speech, which ought always to be kept separated—the first was the abolition of the office, and the next the compensation to the loser of it. He had always maintained, that where for a public purpose a man was deprived of an office, it was the duty of Government, for every reason, to be liberal in their compensation to such a person. That was a principle which, he maintained, rested not less on grounds of public economy, than on grounds of private justice and humanity. The abolition of an office was not intended as a punishment for past abuses, but as a step to prospective improvement. Now, with respect to this case of Mr. Cumberland. He felt for this gentleman's case. He had, he believed, induced the Treasury to reconsider his claim. His noble Friend had alleged, that a great deal of time had been wasted in the consideration of Mr. Cumberland's claim, owing to the loss of his papers. That was owing to the continued illness of the under-Secretary, which had incapacitated him for some time for the discharge of business. However, he had induced the Treasury to reconsider Mr. Cumberland's claim. The last decision of the Treasury upon it had been since his relinquishment of office. He regretted that the Treasury had not been more liberal in the compensation which they had awarded; and he had the less reluctance to make that avowal in his place in Parliament, as he had made it already when in office. His noble Friend had also rebuked him, because he had not said to the Treasury, "Unless you agree to the compensation which I think fit for Mr. Cumberland, I will postpone the abolition of his office." Now, if his noble Friend had never been in office, he (Lord Glenelg) should have felt some surprise at hearing him use such language; but his surprise was almost beyond belief when he heard such language proceed from his noble Friend, after his long official experience. In all such cases, the first question to be considered was, "ought the office to be abolished on public grounds?" That was a very simple question. Assuming that it ought to be abolished on public grounds, what claim could he or any man put in to the Treasury in this form:—"I will not abolish it, unless you meet me on my own terms on the question of compensation?" With all deference to his noble Friend, he must say, that that was a preposterous proposition, which could not bear consideration for a single moment, and on which no public man had ever yet acted in this country. With respect to Mr. Cumberland, it was a painful task to enter into a consideration of his claims to any one who regretted, as he did, his present situation. But that had now become a necessary task, as his noble Friend had asserted, that he (Mr. Cumberland) was removed without any communication, and without being called upon to defend his conduct. The case of Mr. Cumberland was this:—His situation was that of collector of the land revenues in the island of Malta, which amounted to 30,000*l.* a-year, or very near it. Those revenues were collected from a multitude of small tenants scattered throughout the country. It was essential to the proper discharge of the duties of the office, that the officer who went among them for that purpose should be acquainted with the language spoken by the Maltese. It was further essential, that he should know something of the habits and manners of that people. Moreover, it was also essential, that he should know something of the tenure of land in that island, and of the mode in which it was generally let. Would any of their Lordships, he would ask, who had large property in Ireland, think of sending to that country to collect the rents due from a scattered tenantry, a foreigner who was unacquainted with their language, their tenures, and their mode of letting and cultivating land? He was sure that their Lordships would not. Well, Mr. Cumberland had accepted this office, and had gone to Malta. He found the duties of his office executed there by a gentleman who was his deputy, who understood the language, the habits, and the laws of the people, and who was practically the collector. This office, then, of 700*l.* a-year ["No," from the Earl of Ripon, "of 300*l.* a-year,"] was performed by deputy. It was generally known that the office was executed by deputy. In the Colonial-office there was a letter addressed by the commissioners to him (Lord Glenelg), in which they stated, that they had communicated to Mr. Cumberland their intention to recommend the abolition of his office, and that the manner in which he received the proposition seemed to them to furnish a claim for additional compensation. [The Earl of *Ripon:* They promised him ample compensation]. There could, at all events, be no doubt of the fact, that Mr. Cumberland was perfectly cognizant of the intention to abolish his office. The statement of the commissioners was decisive upon that point, and Mr. Cumberland had presented no remonstrance on the subject. It had been stated by his noble Friend, that the only reason why the commissioners recommended the abolition of this office was, that Mr. Cumberland was an Englishman; it was not so. The fact was, the office was a sinecure, the person holding it not being able to fulfil its duties, which were actually performed by deputy. That was the reason, and he conceived it was a sufficient reason for abolishing the office. With respect to the Chief Justice and the Attorney-general, it was not only enough to justify the abolition of an office to pronounce it a sinecure, and absolutely useless, it was sufficient to justify its abolition or consolidation, if the duties could be performed as efficiently and more economically. The question of compensation rested mainly and entirely with the Treasury. He had little to do with it, for, it was considered after his retirement from office. Certainly, his intention was, that both those officers should be recalled into the service of the Crown as soon as circumstances would permit, and the Attorney-general had been offered a situation of equal emolument, though not in so favourable a climate, and he believed it was also in contemplation to give some situation to the Chief Justice. The Commissioners maintained that the duty performed by seven judges, including the Chief Justice, in Malta, could be discharged by six judges, and they recommended that a change should take place, the effect of which would be to relieve the revenue of Malta of a large salary of 1,600*l.*, received by the Chief Justice, entirely disproportionate to the salaries of the Maltese judges, who received only between 400*l.* and 500*l.* a-year. They recommended that the Chief Justice should be removed, because the other six judges, with very inferior salaries, could satisfactorily perform the whole of the duty. This arrangement, which had been adopted on the recommendation of the commissioners, had now been in operation nearly six months; the Chief Justice having been removed, and the Attorney-general having also been deprived of his office. It was no longer, therefore, a matter of conjecture, speculation, or argument, what would be the effect of the abolition of those offices. They could already appeal to the result, which had been perfectly satisfactory and exactly what the commissioners had anticipated. Among the papers which had been laid on their Lordships' table to-day was a letter from the Governor of Malta, dated the 7th of May, in which he stated, that the new system was working remarkably well; that the business never was conducted in a more efficient manner, and that altogether the change was most satisfactory. There were no complaints from the people of Malta; the only complaint was from those who had lost their offices, who were naturally enough anxious to make out as strong a claim for compensation as they could. He was not called on to prove, that the commissioners were correct in the conclusions or anticipations they had formed, but the result had justified them; he had therefore the strong ground of experience on which to rest, and there he was satisfied to leave the question. His noble Friend had referred to a despatch of his addressed to the commissioners, in a manner which seemed to indicate, that he (Lord Glenelg) should be held responsible for the whole of their report. So far from exercising any influence on the commissioners with respect to their opinions, he had merely said, he was prepared to carry into effect their main recommendation as to the abolition of the offices, but that it was impossible to accede to some of the minor details, which he conceived it would be possible to arrange in a more satisfactory manner. Feeling perfectly exempt from the possibility of any reflection on the subject, he certainly did not consider himself at all affected by the observations of his noble Friend, and he protested strongly against the grave conclusion which his noble Friend had drawn, that he was responsible for the report. The commissioners alone were responsible for its words as well as its matter. He had also been charged with having used the term "misgovernment" as applied to the island of Malta. [The Earl of *Ripon:* Not by me.] No, but by others. He did not mean to apply that word to the Government at home. Whatever might be his opinion as to the course of affairs in Malta, he admitted, that the wishes of the people of the island had not assumed such a shape as to call for much attention from this country till about 1830. Still there were circumstances in the condition of Malta the continuance of which up to that period he could by no means consider creditable. He felt, that this was not immediately connected with the subject under consideration, but, as his opinions had been alluded to on a former occasion, he felt it so far necessary to put himself right with their Lordships, and he was ready at any time to recur to the matter. Reverting to the question before the House, the Attorney-general in point of fact had not been in Malta for nearly two years. He left in August, 1837, and no inconvenience had followed; that proved, that his presence was not absolutely necessary. When that Officer was in England, he (Lord Glenelg) thought it right to inform him, that the commissioners intended to recommend the abolition of his office, and his impression was, that unless English law were to be transferred to Malta, the office of Attorney-general might be dispensed with. It was perfectly competent for him to present a remonstrance against the change, but he took no such step. The Attorney-general returned to Malta, and received from the Governor his full salary, although his office had been recommended to be abolished. He afterwards came to this country, his office was abolished, and he claimed compensation. He did not agree with the principle, which was now laid down for the first time, that when an office was to be abolished the person holding it should first be consulted. The Irish revenue commission, to which he had already alluded, which recommended a very general abolition of offices in the various departments of stamps, customs, and excise, examined the different officers as to the nature and extent of their duties, but never as to the propriety of abolishing their offices. So much the contrary, that those officers for the first time heard of its being intended to abolish their offices when that course had actually been determined on. Although the Chief Justice of Malta had been informed, that there was an intention to abolish his office, and although there did not exist any objection to hear what reasons he could urge against that measure, yet the examination of the Chief Justice was limited to the nature and extent of his duties, and did not at all go to the question of the abolition of his office. An occasion certainly did arise which led to a variety of questions being put to the Chief Justice, and as much information had been elicited from him as if the examination had taken place at a later period. There was another case to which he wished to call the attention of the House, and that was the removal of Judge Burton from the Cape when his office was abolished; and he begged it to be observed, that there was this difference between the positions in which the Chief Justice of Malta and the Judge at the Cape were placed—the former held his office during pleasure, and Judge Burton had been appointed by patent during good behaviour. It was true, that even though the former held only during pleasure, the idea of his dismissal otherwise than for misconduct had never for a moment been entertained. It being considered by the Government that three judges at the Cape would do the business quite as well as four, the office held by Judge Burton was abolished, and arrangements were made for appointing him to a seat on the bench in Australia. He believed, that it was intended to make an offer of the same kind to Sir John Stoddart. But it was quite certain, that Judge Burton's office was abolished without consulting him, and his removal was a matter against which he strenuously remonstrated. His noble Friend had dwelt at some length upon the importance of introducing into Malta a system of law founded as much as possible upon English law. It would be in the recollection of the House, that Sir Thomas Maitland had made arrangements for that purpose, and courts were established in Malta which proceeded upon maxims and principles of English jurisprudence. He would not say, that they had adopted, or that they ought to adopt, the details and technicalities of our law. It had been shown by Sir John Stoddart, or at least strenuously contended by him, that for the effectual carrying out of this design the presence of an English lawyer was of the very highest importance. He stated, and with perfect justice, that Sir Thomas Maitland had done much to elevate the character of the judges in Malta. They were formerly remunerated principally by fees, and they held their situations during pleasure; Sir Thomas Maitland abolished fees, and he established the independence of the judges, putting an end to venality and consequent degradation. In addition to this Sir Thomas Maitland appointed a President of the Council, but then he was a Maltese lawyer. The further reforms effected were the abolition of torture, of sanctuaries, an order for the *vivâ voce* examination of witnesses, the establishment of savings-banks, the independence of the judges he had already mentioned, and to this he had only to add the abolition of the personal immunities enjoyed by the priests. But all these changes might have been accomplished without the aid of any very profound lawyer. Any educated gentleman knew enough of the principles of British jurisprudence to understand the value of such reforms, and it required no practical acquaintance with the law to work them out. The great question here was, by what law Malta should be governed? The recommendation of Sir John Stoddart was, that a new Maltese code should be formed upon the basis of the English law; but the noble Earl, in a dispatch of his, entered into the whole question, and concluded by stating, that although it might be advisable for future generations, that that recommendation should be carried into effect, yet for the existing generation such a matter was hopeless, and the noble Earl, therefore, recommended that the code of France, which had been approved of generally throughout Europe, should be made the basis of the new Maltese code. It had certainly been found, that where laws had been transferred from England to Malta, they had occasioned great perplexities and grievous complaints, as the law of bankruptcy, for instance, which, although it was introduced into Malta, yet this was done with a proviso, that nothing in it should derogate from the law of Malta; and the result was, that both laws were in operation. Trial by jury was also introduced in a law by Sir J. Stoddart, but it was found necessary to issue half a dozen other laws to explain and correct it. Afterwards a commission was formed, consisting of the chief justice and two Maltese lawyers, with directions to form the Maltese code on the basis of the code of France, or rather of the Neapolitan code, which is similar, but the commissioners entered into such disputes, that it was found impossible to proceed. One great cause of dispute was the language in which the new code should be expressed, whether English or Italian, and upon this point the parties could not come to an understanding. That commission was dissolved by Lord Stanley, and a new commission was appointed to carry into effect a new codification. This commission was composed exclusively of Maltese lawyers. What he contended for was, that with respect to these legal arrangements the result proved, that, so far as the maxims of the English constitutional law and its general principles were concerned, it did not require the instrumentality of English lawyers to introduce it into any place where the spirit of the British Government existed. He did not think that the circumstances of Malta were such as to require the presence there, for the assistance of the governor, of two English lawyers, and more particularly as from the speedy communication between Malta and this country, any information that the government of Malta might require for its guidance, might easily be obtained from this country. Upon the whole, he thought that the measures taken with respect to the legal appointments in Malta justified themselves.

The *Lord Chancellor* felt bound to trouble their Lordships with a few observations before this matter was disposed of. A charge had been brought against him, as he understood, of having been a party to, if not the author of, some censure against his noble Friend's (the Earl of Ripon's) colonial administration. He could assure his noble Friend, that of all the acts of his life there was no charge of which he was so entirely innocent. The charge rested entirely upon some communications which he had had with the Maltese commissioners when they came over here. He would call his noble Friend's attention to the circumstances that occurred, and his noble Friend would see, that never was there such a jumping to a conclusion as in the charge brought against him. The result of much consideration convinced him that all the recommendations of the commissioners could not be acted upon without serious inconvenience. Various conferences took place between the commissioners and himself, and having discussed the difficulties that suggested themselves, the commissioners requested permission to withdraw their original report, with a view to make such amendments as, upon reconsideration, should appear desirable. That original report his noble Friend had never seen, and the revised report he had not seen till it was laid on their Lordships' table. He had been obliged to take the report of the commissioners into consideration, and he had done so; some parts of that report he approved of, other parts he did not approve of; this was all he had had to do with the report, and this was the only ground upon which he could be supposed to be the author of anything that reflected upon the colonial administration of his noble Friend. If the question before their Lordships were, whether he had concurred in advice coming from any quarter to the effect that the offices of Chief Justice and Attorney-general should not be continued, he should never regret having said, that they ought not to be continued, and he must say, that he approved of the opinion expressed by the commissioners on those points. However valuable the services of those two gentlemen might be, they had to look at the price that was to be given for those services. With regard to the Chief Justice, he found, on looking at the report, that it was there stated what the nature of the office was, what were the services performed, and what was the remuneration received. The titles of the Chief Justice sounded very magnificently, for he held five judicial offices. He was President of the Court of Appeals, Senior Member of the Supreme Court, First Commissioner of the Court of Special Commission, Judge of the Vice-Admiralty Court, and Member of the Court of Piracy. He thought that the three last offices required some observation. The third was the only criminal jurisdiction that was exercised by the Chief Justice, and in that department the average of the indictments appeared to be four per annum, or one case a quarter. In the Vice-Admiralty Court, there had been no case for six years, and in the Court of Piracy, there had been no case for five years; so that, with the exception of one indictment per quarter, in three out of five of these judicial offices, the duties came to nothing. However, the other two offices were not of this character. In those two, namely, as President of the Court of Appeals, and as Senior Member of the Supreme Court, it appeared that, in the course of the year, the Chief Justice sat 115 times—he was about to say days; but these Courts only sat three hours a-day, which, according to the estimate of a day's work in this country, amounted to but half a day. The result was, that the whole of the duties of the Chief Justice were confined to fifty-eight days, at the rate of six hours a day, or less than two months out of the twelve. He would not say that the office was a sinecure; but when he found that the Chief Justice was paid 1,600*l.* a-year, whereas the highest of the native Judges was not paid more than 400*l.* a-year, he thought that some very great advantages ought to be derived from the office before the people of Malta were called upon to pay so large a sum for services which might be as well performed for a quarter or a sixth part of the sum paid to the Chief Justice. The case of the Attorney-general was even stronger. It appeared that he had only 800*l.* a-year. He had various duties to perform, indeed three classes of duties. He had to assist the Governor and Council in making ordinances and framing proclamations; he had also to give his advice upon all questions of law, and, as Attorney-general, he had to represent the Government in all proceedings in the courts in which the Government was concerned. The number of laws, ordinances, and proclamations, everything that came under his eye, amounted to twenty-four in six years. This was not a very laborious duty. With regard to his other two duties, he being an English lawyer, he had to give his opinions respecting the Maltese law; and he had further to advocate the cause of Government in a language which he could not speak. These were the duties of the Attorney-general. He said nothing against the individual; he might have performed all these duties in the most exemplary manner; but his office was an absolute sinecure, while the Chief Justice had little to do. The question was not whether these gentlemen performed their duties well, he would not enter into that discussion, or whether they had received that indemnity for the loss of their offices which they ought to have received; he would not enter into those questions; but he must say, that he had come to the conclusion that it was extremely hard to call upon the people of Malta to pay 1,600*l.* and 800*l.* a-year for such services, when they could have those services performed quite as well for a much less sum. It appeared to him that the services of those two gentlemen were not such as would justify them in taxing the people of Malta to so large an amount. He had merely risen for the purpose of exculpating himself from the charge of having censured the Colonial Office, and having, as he hoped, done that effectually, he would only observe, in conclusion, that in his opinion the removal of those officers, under all the circumstances, was a measure that was perfectly justified.

Lord *Brougham* was astonished at the confidence with which his noble Friend behind him (Lord Glenelg) had declared that the letter from the Treasury to Mr. Cumberland did not amount to a personal censure. Why, what could be a more cruel censure than to dismiss a man on a charge of gross inefficiency and incompetency? It might so happen that they were bound to abolish the offices upon public grounds, but surely they were also bound to grant compensation. When he was attempting to carry his Chancery reforms in 1831 and 1832, he felt that unless compensation were granted, he could not carry his bill a single step. No doubt those offices ought to have been abolished long ago; but to abolish them without giving the holders compensation would be cruel and unjust, and not only cruel and unjust, but the worst possible economy, because it was ruinous to the public service. The commissioners did not recommend the abolition of this place without superannuation. But this gentleman was more than ill-treated; he was calumniated. The Treasury had issued a most untrue, a most false and defamatory libel against Mr. Cumberland, and if any person, non-official, had printed such a libel he would have been liable to be sued for damages, or to be prosecuted. They not only ruined this gentleman and his family, but they defamed him to boot. He thought that this was a case of extreme hardship, and he hoped the Government would see this Gentleman righted. The Treasury was placed in an awkward situation; they had to perform their duties to individuals and to the public, and sometimes they neglected both. He could give an instance. In 1832 certain offices, to the number of about fifteen, were abolished; some of them were offices of 9,000*l.*, 10,000*l.*, and even 11,000*l.* a-year, and not one of less than 1,000*l.* a-year. One office, that of Clerk of the Crown, was held by Lord Bathurst, and was abolished, thus causing a saving of 2,500*l.* The office was a sinecure, the duties being all performed by a deputy for 700*l.* They transferred to the deputy the whole of the responsibility and the work, for be it recollected, there was connected with this office a considerable receipt of money, as well as the superintendence over writs and returns. One would naturally have supposed that the two offices having been consolidated, and a saving to the public of 2,500*l.* having been caused, some little addition of salary would have been given to the gentleman who was formerly deputy but was now principal. No such thing. Not only did they not give more, but they took off 200*l.* a-year from what he before had. The consequence was, that the next time he brought in any act abolishing an office, he should first inquire what compensation the Treasury meant to give. As to the offices at present in question, the commissioners had reported that these offices should be abolished. The charge against the commissioners was, not that they recommended the abolition of these offices, but that they did not inquire of the holders of them in order to inform themselves of what they knew nothing about; namely, the nature of the offices, the amount of duties, and the persons who were fitted to perform those duties. He was astonished to here his noble Friend (Lord Glenelg) say that this was not usually done. He never knew it otherwise. The Chief Justice, in page 22 of the papers on the Table of the House, stated that the only circumstance in the nature of examination that he recollected, related to an incident that had taken place connected with his office in a matter that had nothing to do with the duties of the office, and which could cast no more light upon the duties of the office than if he had been examined upon a matter of civil law, and that he had never been examined in any one particular with respect to the nature of his duties, the amount of work, the number of days he sat, or the number of hours each day he sat. The noble and learned Lord on the woolsack stated that this gentleman only sat 115 days in the year. This happened in a year when the cholera was very prevalent; but in the next year it would be found that the days of sitting amounted to 188. Thus these most astute and learned commissioners, these most learned Thebans, were no more than ordinary mortals able to find out facts, without taking the usual means of informing themselves by examining people who knew more then they themselves could possibly know. To show that this was not confined to the cases he had mentioned, let them look to what had been done by other commissioners, and by committees on similar subjects. On the committee for abolishing sinecure places, of which Mr. Banks was chairman, they would find that from the highest to the lowest, every human being was examined touching the duties of the office he held; and yet the duties of some of those offices were as notorious as the sun at noon day. Nor was the examination confined to the holders of the great offices. This examination was just to the individual, and most convenient to the public. He had shown what kind of examination the Chief Justice had undergone, and it was a mere pretence that the Attorney-general was examined at all. No one spoke to him on the subject, and he first heard of the abolition of his office from his noble Friend, when he was over in this country. Then, as to the number of days the court sat. The chief court in Scotland only sat five months and a half in a year of five days in a week. They did not sit on Sunday and they kept Monday holy as many men in this country kept that day as a saint's day; and the whole of their sittings would not amount to any thing like so much as 115 days. The judge of the High Court of Admiralty in England did not sit 115 days; he did not sit more than twenty-eight days; and the Vice-Admiralty Court in Malta, though it might have nothing to do now, was not a sinecure court in time of war; if they might judge by the number of prize cases sent over to the judicial committee in this country, it would seem then to be a well employed court; but to have an efficient court in case of war, it was necessary to keep it up in peace as in war. In England the Admiralty Court was now little occupied, and yet they did not abolish the court, because in time of war it was necessary. The Chief Justice was also President of the Appeal Court in all civil cases, and was it of no importance to have such an officer to control and to keep in order all the other courts? Although there might be few cases brought before it, it was necessary to have such a court, in the first place to secure attention by the other courts to the causes brought before them, and in the second place as a security for honest and incorrupt proceedings; and if there were six judges of different courts in Malta, and those judges Maltese judges, he was not the man to say that it was not necessary that their proceedings should be checked and controlled by an English judge in a court of appeal. If this proposition were true in most circumstances, it was doubly true, and infinitely more important, when they had been constantly for the last twenty-five years going on introducing more and more of the English law into Malta; in the course of that time not less than twenty or thirty ordinances had been passed, introducing various branches of the English law. Again, the English judge would be peculiarly useful in cases of trial by jury. Trial by jury with us was an ordinary matter; but let any one take a foreign lawyer, versed though he might be in his own judicature, well acquainted as he might be in practical law—far more versed in practical law than these commissioners, who were totally ignorant of it, and had never held a brief in their lives—from France, from Germany, or from Italy, and let that foreign lawyer be conducted to the Court of Queen's Bench to see a trial by jury, and the first five minutes would convince him, that we had been accustomed to this form of proceeding; but were he not aware of its nature—the difficulties he would point out, the doubts which he would raise, would impress on his mind what an anomalous system it was. And yet the commissioners said, that there was no difference in the duties of a judge in trying a prisoner with a jury, and without a jury. There was the greatest difference that the wit of man could tell between the functions of the judge in the two cases. This was one more of the consequences of sending out speculative men to report on practical matters. It should be recollected also that the trial by jury was not yet wholly introduced into Malta. It was only used in certain criminal cases, in which life would be sacrificed, or where the punishment was working in the gallies for life. It was not introduced at all in the most difficult of all cases for its introduction—civil cases. It must, however, be introduced sooner or later in all civil cases, and who was to work it if it was not to be done by an English judge? It had been tried for some years to be introduced in civil cases in Scotland, and though in that country it had long obtained in criminal cases, and though it had the assistance of his respected friend, the Lord Chief Commissioner (Baron Adams) who was well versed in English law, they all knew the difficulties that had been experienced there. Another reason why, as he thought, the appointment of an English judge was of great importance, was, that he owned he had more confidence in the professional skill, in the learning, and in the professional habits of a well-bred English lawyer, coming from Westminster Hall, than in any six Maltese lawyers. It was said, however, by his noble and learned Friend, that the cost of the English judge might be too great, but justice never could be bought too dear. He denied that it was absolutely useless for the judge in Malta to have a knowledge of English law, and that English lawyer could not know the Maltese law; first, because one-half of the law in Malta now was English law; and, secondly, because the part which was not English was grounded substantially on the Justinian code. Indeed, Sir John Stoddart was as accomplished a civilian as any Maltese lawyer could be. The only original jurisdiction of the Chief Justice was criminal, and they might as well say, that the House of Lords, or the Lord Chancellor, could not decide, and decide properly, appeals from Scotland, in many cases involving nice points of Scotch conveyancing, because they had not been brought up in the Scotch courts, or that the Privy Council could not fitly be trusted to decide upon the many different points of colonial law brought before them, as that an English lawyer, or an English civilian, could not preside in the Appeal or Vice-Admiralty Courts in Malta. There was no possibility that, in England, a Judge could be tampered with, or justice polluted; there was no man purer than an English lawyer; and was there any lawyer on the Continent—even in the best parts—that could be compared to him? That an English lawyer was necessary in Malta was to be seen in the trash sent over here as a libel law, imprisoning one man for twelve months for a very trifling offence, and another man for six months for no offence at all; and would they have had such trash if there had been an English lawyer in the council? It was said that the new system had had six months' trial, and if there were no appeals to the judicial committee, it might be said that it had succeeded; but in six months there had been no time to determine whether there would or would not be appeals. He could well understand why the Governor should not object to the abolition of the office of Chief Justice. He had never known a Governor and a Judge together, that they had not, sooner or later, come into collision. Young gentlemen of little experience were sent out, who were apt to entertain too high a notion of their own degree of importance: they had seen this to be the case in Ceylon, and in the East Indies, and he knew also military men rather objected to have a Chief Justice who might restrain them. The Maltese Judges were the quietest of all men, and English lawyers were rather more determined, and probably Sir H. Bouverie would be easily convinced that there should be the abolition of the office of English Judge in Malta. On the contrary, he (Lord Brougham) deeply lamented the change, and he thought it was ill-advised to adopt the opinion of the commissioners. The responsibility, doubtless, rested with the Government. It had, however, become the fashion to appoint commissions, and this divided the responsibility; for the Government would say, that it was recommended by the commissioners. The Government, however, should consider who the commissioners were, and weigh well the grounds of their recommendation. Let them, in the present instance, consult the noble and learned Lord on the woolsack, who would give them good law; and let them trust to their own wisdom, and they would come to a better decision than by following the report of these commissioners. The whole practical experience was against abolishing the office of Chief Justice, and he should think, also, of Attorney-general, but into that point he would not enter; he would rely on the statements, and on the arguments of his noble Friend, the Earl of Ripon.

The Marquess of *Normanby* said, that though the debate had extended to some length, yet there were one or two points on which he would trouble their Lordships. At an earlier period of the evening he would have entered at greater length into the subject. The noble and learned Lord had treated of many subjects, and though the recommendations of the commissioners might be found fault with here and there, yet the result of their report had been that such satisfaction had been given to the people of Malta as had not been for many years experienced. It was always painful to him to touch upon subjects which involved personal matters, and it was particularly so on this occasion. Mr. Cumberland he had known in early life, and though he had not had the pleasure of seeing him for the last few years, yet he entertained for him nothing but feelings of friendship. It must be recollected that the determination as to the remuneration to be given to that gentleman was made before he was in office; but, in consequence of a letter he received from Mr. Cumberland, he made an application in his favour. He was sorry that his noble Friend had brought the subject before the House, for he could not but say, now that it was pressed upon him, that the original appointment of Mr. Cumberland was injudicious. He possessed none of the qualifications necessary for the important office of collector of land revenue. It was stated, that he was not informed of the intention to remove him; but he was informed that there was an inquiry made into his office. The reason why no notice of the inquiry was inserted in the papers was, because there was a desire to spare Mr. Cumberland's feelings. It was said that Mr. Cumberland was perfectly inefficient, that it was well known to the colony and the public at large, and was scarcely concealed by himself, that he did not substantially perform the duties of his office. The duties were in fact performed by a deputy, who received only a small portion of the remuneration. And when they recollected that 23,000*l.* were to be collected annually in very small sums, from some of the poorest persons in Malta, it was obvious that Mr. Cumberland, from his previous habits, was ill qualified for the office which was conferred on him. Compassion for Mr. Cumberland might have induced the Government to make the appointment; but at the same time he must say, that instead of considering Mr. Cumberland one of the most unfortunate of men, he deemed him a most fortunate man, knowing that he had previously given up his profession, to have enjoyed an office for six years, the duties of which he did not discharge. Although, therefore, he had everything but an unfriendly feeling, and although he hoped that the Government might, consistently with their duty, come to a different decision on his case, yet he could not think that gentleman so very unfortunate. As to the judicial changes recommended by the commissioners, he must say, that nothing of personal feeling was mixed up with them, nor was it ever intended that they should be considered as casting any stigma on the gentlemen whose removal was recommended. The question was, whether the number of judges was greater than was necessary for the discharge of the duties they had to perform. The only way to look at that was to ascertain the number of the days they sat, and the average time each day in a given time; but the noble and learned Lord had complained that the commissioners took the average of the sittings in the year 1837, in which, by reason of the prevalence of the cholera, the sittings were necessarily much diminished, as compared with other years. Now, the commissioners stated that the average returns from other years would show no material difference from their first return. The removal of Mr. Langslow could not be considered as any imputation on his character. He held the office of Attorney-general, in which from his want of knowledge of the language, he could not plead, but was obliged to act by a deputy, who was versed in the Maltese tongue. The question that had been raised whether or not it was advisable to have an English lawyer at the head of the law in Malta was one which had not been decided by the Commissioners. At all events it appeared that on numerous occasions Sir John Stoddart had left the decision of appeal cases to the Maltese Judges without any such presidency, and the arguments of the noble and learned Lord respecting the difficulty of managing trial by jury by any other than a Westminster-hall lawyer were at least singularly inapplicable to a gentleman whose legal experience was confined to the civil law. It seemed to him just as possible to obtain judges of competent talent and integrity at Malta, and at a moderate rate of remuneration, as to obtain them from Westminster-hall, from not the most experienced ranks of the profession, and where it was necessary to pay a much higher salary in compensation for those greater professional emoluments which were open to the candidate by remaining here. The Maltese judges had in fact been found efficient for the discharge of the judicial duties of the island, and the chief of them Dr. Buonanita, was in every way qualified to preside in the court to which he was appointed. The character of neither Sir John Stoddart nor of Mr. Langslow was in any degree affected by their removal from their appointments. It certainly did not lessen them in his estimation, for he had been since in communication with both as to whether their services might not be rendered available in other appointments. The removal of those functionaries, whose services were not absolutely necessary, wss the duty of Government who were bound to take care of the revenue of Malta. While they were now discussing whether a chief justice should or should not be continued with a salary of 1,600*l.* a-year, the state of the revenue of that island was absolutely below its expenditure. It was insufficient to the supply of an efficient police. The prisoners were obliged to work, and in short the greatest distress prevailed amongst the lower classes who were taxed to more than they could well bear. The Maltese people were opposed to a system which gave 1,600*l.* a-year to the Chief Justice, whilst the professor of the university had only 30*l.* a-year. Every effort should be made to raise the character of the population, and among other obvious means of giving satisfaction to them had been found the doing away with those offices and their extravagant salaries, amongst which were those which had been held by the gentlemen to whom allusion had been made. He agreed with the noble and learned Lord that it required more time fully to test the good working of this system. Sir Henry Bouverie was a very high authority on this subject, and with his authority on behalf of this system, he for one was not disposed at present to recommend any relaxation. He should be always ready to avail himself of any opportunity to employ those gentlemen in the public service; and with regard to Mr. Cumberland, he should be glad to take under consideration his unhappy situation. There the question must rest.

Lord *Brougham*, in reply to an observation of the noble Marquess, would have cut off the two Maltese judges now appointed, and allowed the English judge to remain. He thought that a military man for a governor was the very worst.

Viscount *Melbourne* could not help thinking that the noble Earl (Ripon) had allowed his feelings to run away with him He argued as if these offices were created not for the benefit and advantage of the state, but as if they were created for the benefit and advantage of those who were placed in them. His noble and learned Friend had argued the question on much bolder grounds. He (Viscount Melbourne) wished to say one word which related more to the department which he held, and that was to the compensation awarded on the present occasion. These Gentlemen said, that they thought the Treasury was very hard on this occasion for persons who talked of liberality and generosity. His noble Friends would recollect that there was neither liberality nor parsimony in this case for it was liberality or parsimony with the public money; and these were qualities generally considered as personal qualities, and not to be applied to the use which a man made of the money of other people. When the noble Earl talked of the liberality with which the Treasury ought to act, he seemed to forget a little instrument which was rather important on this occasion—namely, the 4th and 5th of William 4th., c. 4, which passed when his noble Friend was in office, and which he knew very well was prepared and matured by a noble Friend of theirs, from whom now, unfortunately, he was separated in politics; and the noble Earl would recollect that this act of William 4th settled the principles and proportions in which compensation was to be given, and it also settled the number of years of service for which compensation was to be given; that for ten years' service one-third of the salary was to be given, which was the compensation given to the Chief Justice for serving twelve years and a-half, which was as large a compensation as the Treasury was authorized to allow. Under that act the Attorney-general was not entitled to compensation at all; he had not held his office for more than five, or six, or seven years; and he apprehended that the arrangement which the Treasury had made with that learned Gentleman to give him his salary for one year, and in the mean time to offer him some employment, would be much more agreeable to his feelings, so that he should obtain compensation by continuing in the public service rather than receive it for performing no service at all. His noble Friend had adverted to another case, as he had described it, a very melancholy one. It was unfortunately a sort of case which was by no means rare; there were many others of the same sort. He did not wish, he was sure to advert more to that letter to the Treasury; but the gentleman himself had not in his (Lord Melbourne's) opinion been very prudent. His noble Friend left it as an impression that no more than 100*l.*

had been received by this gentleman. He was unwilling to mention this case; he wished it had not been mentioned at all: but seeing that it was a case liable to move and excite a great deal of compassion, he thought it should be known that that sum was not the only compensation that Mr. Cumberland had received.

The Earl of *Ripon* rose in reply. He said there was no complaint against the way in which the duty was performed by Mr. Cumberland. Seeing then that the office was adequately discharged, he did think that Mr. Cumberland was perfectly qualified to discharge the duties of that office. It was said that he was inefficient and that all his duty was done by deputy. Who said that? The deputy, and the whole case rested on his evidence. Mr. Cumberland had decided every point on his own judgment. The deputy, who made this statement, was the man who had benefitted by it.

Motion agreed to.

HOUSE OF COMMONS,

Thursday, June 27, 1839.

MINUTES.] Bills. Read a second time:—Highway Rates; Public Works.

Petitions presented. By Mr. Finch, from Walsal, in favour of, and by Mr. R. Palmer, from a place in Berkshire, against the Government plan for National Education.—By Messrs. Hume, and Warburton, Captain Pechell, and Sir B. Hall, in favour of, and by Lords Stanley, Sandon, and Worsley, Sirs R. Peel, and J. Duke, the Chancellor of the Exchequer, and Mr. Cresswell, against the existing Beer Laws.

LAWS FOR THE CHURCH.—PUBLIC BUSINESS.] Lord *J. Russell* having given notice of his intention to move for leave to bring in a bill to continue for another year the Ecclesiastical Appointments Suspension Bill, said, he was aware that with respect to the Ecclesiastical Duties and Revenues Bill there were many reasons why it was desirable that the measure should not be pressed at so late a period of the Session. The Session was so far advanced that he knew there would be great difficulty in the other House of Parliament in obtaining such an attendance of the spiritual Peers as would secure a full and fair discussion of the bill. It had also been stated on respectable authority, that an impression existed in the minds of some hon. Members of that House, as well as in the public mind, that some modifications would be proposed in the measure, which were not yet prepared, but which when they were brought forward would be likely to secure for the bill the more willing assent of Parliament and of the Church. Now, it was highly desirable that the bill should have the general consent of Parliament and the Church, and therefore he was not unwilling to postpone the measure for a period in order to attain that object. He should, however, be reluctant to consent to any postponement if by that postponement he was to be understood as at all giving up the objects which the bill was intended to carry into effect, or if he was to be considered as abandoning the principle upon which the bill was founded. He thought it highly necessary that a measure applying certain revenues of the Church to the spiritual instruction of the people in those districts where such instruction was much needed should be carried into effect by a Parliamentary enactment. Therefore in postponing the Ecclesiastical Duties and Revenues Bill, he wished at the same time to introduce the measure of which he had just given notice, and which would suspend for another year certain ecclesiastical appointments which had before been suspended by act of Parliament with a view to carrying into effect at an after period the objects which he had in view for the spiritual instruction of the people. He was aware that this was a course liable to objection, and that it was very inconvenient to suspend those appointments year after year without proceeding to definite legislation. What he proposed was, that the bill of which he had given notice should provide for the suspension of the same appointments as it was proposed ultimately to do away with, and that those appointments which were to be filled up should be filled up in the same order as was provided in the Ecclesiastical Duties and Revenues Bill. He should therefore postpone the Ecclesiastical Duties and Revenues Bill for a fortnight, with the view of seeing whether the Suspension Bill which he proposed to introduce was likely to meet with the assent of Parliament and the Church. If that assent was likely to be obtained, then he would give up the Ecclesiastical Duties and Revenues Bill for the present Session; but if, on the contrary, the Suspension Bill should be opposed, then he should think it necessary to press the former bill, in order to show that he was not disposed to abandon the objects of that bill or the principles upon which it was founded. He should now propose that the Ecclesiastical Duties and Revenues Bill be postponed for a fortnight.

Sir *R. Peel* said, he could not have a better opportunity than the present of suggesting that it would be very convenient if the noble Lord would, as he had done last year, announce, not then, but on an early day, what the bills were which the Government actually intended to proceed with in the present Session, and what the bills were which it was proposed to abandon. That was a course which had yearly been pursued for some time back, and he was sure it would tend greatly to facilitate the discussion of such measures as were to be proceeded with, if the Government would, as early as possible, make up their minds what bills were to be pressed forward in the present Session, and what bills were to be abandoned. The remarks he had offered were equally applicable to bills whether relating to England, Scotland, or Ireland. He also wished the noble Lord would state when he intended to proceed with the second reading of the Canada Bill, and with a view to the convenience of the House he should avail himself of that opportunity of stating, that when the noble Lord moved the order of the day for the consideration of that bill, he should feel it his duty to object to the second reading. He did not mean to contest the principle upon which the measure was founded, but he did mean to contest the propriety of Parliament deciding on the principle of a union of the two provinces in the present Session, if they were not to proceed to actual legislation when that principle had been affirmed. He was prepared, if Sir J. Colborne had forwarded all the information which could possibly be obtained, and if the noble Lord opposite told him distinctly that it was *bonâ fide* his intention to legislate in the present Sessions, to assent to the second reading of the bill. But if they were not to proceed to legislation in the present Session, he was not disposed to proceed to the second reading of the bill, because it was impossible to discuss the subject of a legislative union of the two provinces without entering upon many other and most important considerations, and because, in his opinion, the discussion of those important considerations ought to be followed by immediate legislation; for if that discussion was to take place, and the report of their proceedings to go out to Canada, and if they were to do nothing for seven or eight months in the way of legislation, the objects of the Government and of the Parliament might be misunderstood and misrepresented, and the measure for effecting a union might, as the consequence, be prejudiced in the minds of the people of the colony. Not objecting to the principle of a legislative union, he should not directly oppose the second reading of the bill, but he should feel it his duty to make some motion, such "as the previous question," or "that the House proceed to the orther orders of the day," in order to afford the House an opportunity of expressing an opinion as to the wisdom of the policy of pledging the House, in the present Session, to the abstract principle of a union, when they were not to proceed to actual legislation till another year. He also intended to pursue the same course with respect to other bills. If it was the intention of Government, with respect to any other measures before the House, to take the second reading in the present Session, and to postpone their further progress to another year, then, as a general principle, he should pursue the same course with respect to those bills, as he had intimated his intention to adopt with respect to the Canada Bill—that was, he should invite the House to refuse its assent to the principle of any measure which it was not intended to carry into a law during the present Session.

Lord *J. Russell* would certainly take an early opportunity of stating what bills he intended to proceed with during the present Session, and what bills he proposed to abandon. There were several bills which had already been abandoned, and it would therefore be unnecessary to make any declaration with respect to them. In regard to the statements which had been made by the right hon. Gentleman, with respect to the Canada Bills, he was afraid some misapprehension might exist as to the intentions of the right hon. Gentleman, if the matter were not cleared up. There were two bills which the Government had obtained leave to introduce with respect to Canada. There was one which, as he had already stated, it was not intended to proceed with in the present Session, but there was also another, with respect to the powers which had been conferred by Act of Parliament, upon the Governor and Special

Council, which Government intended to proceed with in the present Session. He hoped the right hon. Gentleman's statement did not refer to the last-mentioned bill, because, after what had passed last year with respect to the judges in Canada, he should think it necessary to press that bill before the Parliament was prorogued. He would not then enter into the question whether it was politic or impolitic to ask the House to consent to the second reading of the bill for effecting a union of the provinces of Upper and Lower Canada in the present Session, and would reserve his opinions upon that point till the subject was regularly before the House.

Sir *R. Peel* was quite aware the noble Lord had introduced two bills relative to Canada, and he had distinctly understood that with respect to one of the bills it was the intention of the Government to proceed to effective legislation in the present Session. With respect, however, to the bill for effecting a union of the two provinces, he had understood the noble Lord to state, that it was not his intention to proceed to actual legislation in the present Session, and that he would only call upon the House to pronounce an opinion upon the principle of a union. His objection did not apply to the first of those bills, and his present impression was, that the principle of that bill would not be opposed, and that it would be allowed to be read a second time. Of course he would reserve himself as to the details of the measure, and he would not pledge himself, that some of the minor provisions of the bill would not be opposed. It was the second of the Canada bills which he objected to, not on account of the principle of the measure, but because he contended that it was neither wise nor politic to call upon the House to affirm the abstract principle of a union in the present Session, when they were not to proceed to actual legislation, till some after and indefinite period. That was the ground on which he should resist the bill for effecting a union of the two Canadian provinces.

NATIONAL EDUCATION CHARITIES.] Lord *J. Russell* said, he wished to hear from the right hon. Baronet (Sir R. Peel) whether he intended to take the sense of the House upon the Report of the Committee of Supply in regard to the education vote.

Sir *R. Peel* said, he had attended in his place for the very purpose of answering that question; it was merely the accidental circumstance of a House not being made yesterday that prevented him from giving that public notification which he would have given at the earliest possible moment. It was his intention to state, that as the House seemed to consider that the subject had been exhausted in point of debate, he had no wish to resume it; and as the question upon the report would be identically the same with that which had been decided in committee, and as he had ascertained that every Member of the House had voted upon the subject except twenty-four, he deemed it unnecessary to trouble the House by a division on this second question. He did not, therefore, propose to take the sense of the House on the report, and he had no objection to its being received now, if the noble Lord wished it to be brought up.

Report brought up.

Sir *Eardley Wilmot* wished not to enter into a discussion upon the subject, but to call the attention of the noble Lord to a subject intimately connected with it. The noble Lord was aware, from the report of the Charity Commissioners, that there was an immense fund applicable to the purpose of education which was almost wholly squandered away. There were grammar schools of extensive foundation in almost every town in England, which were perfectly useless and inoperative. In his own town there was a grammar school, of which he was a trustee, and in which there was a gentleman who had a house to live in, and emoluments amounting to 400*l*. a-year. But as, according to the decision of the Lord Chancellor, a grammar school was intended as a place in which Latin only was to be taught, there had been only one pupil in that school for many years, and he stuttered so abominably that nobody could understand him. For some time past there had not been more than four or five pupils in the school, and they were the sons of gentlemen in the neighbourhood. The House would recollect that an order had been issued by the Lord Chancellor to establish another scheme of education in the grammar school at Birmingham, and the funds were now so applied that more masters were engaged, and many children were instructed there in every branch of education. What he would suggest to the noble Lord was, that he would bring in a bill to enlarge the scheme of education in the grammar schools of this country, subject, if he pleased, to the fiat of the Lord Chancellor, or any visitors he might think proper to appoint; so that instead of the teachers receiving large emoluments and nothing to do, the sons of the tradespeople and others in the respective neighbourhoods might be instructed gratuitously, and instead of the schools being attended by only one or two children, hundreds might be admitted to the advantages of education. He thought this was a subject worthy of the attention of the noble Lord, and he hoped he would listen to the suggestion.

Lord *J. Russell* said, he had had a good deal of conversation with the Lord Chancellor on the subject; and it would be remembered that in the course of last year a bill was brought in by Lord Brougham, who had turned his attention to the subject. It certainly deserved consideration, and the attention of the Lord Chancellor would naturally be directed to it, with a view to some measure.

Mr. *C. Buller* thought the House was much indebted to the hon. Baronet for calling the attention of the House to funds which might suffice, if properly applied, for the education of the whole population of England, but which were now totally misapplied. He would state one fact as a specimen of their misapplication. A gentleman, who had been engaged in the duties of the Charity Commission, had informed him that in going over three parishes of Lincolnshire he found that what were called general charities were frittered away by giving away shillings and halfcrowns out of their respective funds, which, so far from being beneficial to the poor, only served to keep up a kind of pauperism among them. Now, the whole expense of education in those parishes might be defrayed out of the funds of those charities. If the Government really had at heart the education of the people of England, this was one of the first subjects to which they should direct their attention.

Mr. *Brotherton* said, in order to show the importance of this subject, he would mention that there was a grammar school in Manchester, the revenue of which was 6,000*l.* a-year. Up to a late period there were not more than 200 children instructed out of those funds, and at the present moment there were not 300. If the funds were properly applied, all the children in Manchester could be educated gratuitously.

Mr. *W. T. Egerton* begged to state, that the hon. Member was somewhat in error. The funds of the school in question, according to the original design, were not intended for the benefit of Manchester alone, but for all England. The trustees had for many years been acting under a decree of a Master in Chancery, according to a scheme approved of by the Lord Chancellor. Two schools were opened, and in accordance with the design of the original testator, in one of them a classical education was given; and the other was open to the whole population of the country, as well as to that of Manchester. He believed the hon. Member was in Chancery at that moment against the trustees, and he thought it rather unfair, while the trustees were in that situation, he should come forward and make statements which were not consistent with the facts.

Captain *Pechell* said, there might be some difference of opinion between the two hon. Gentlemen as to the manner in which the school they referred to was managed, but he thought every one must agree that the system pursued at another school, that at Great Berkhamstead, was most monstrous, for there a positive prohibition against receiving scholars was in force.

Mr. *Alston* mentioned the case of another school, at Willoughby, Lincolnshire, the master of which lived in a house rent free, his son was the usher, and the emoluments received were very great, while the public gained little or no advantage from the charity.

Sir *E. Sugden* said, that nothing was more improper on such an occasion as the present, than to bring forward statements which bore, in some degree, the character of accusations against individuals, which could not be denied nor proved. He hoped, that no scheme for the establishment of an education commission would be set on foot; he hoped, that no tribunal for educational purposes would be set up in this country. There was too much disposition to fritter away the ancient practices and establishments of the land. The hon. and learned Member for Liskeard would have the money belonging to general charities taken away and applied to the purposes of national education; while the Poor-law Commissioners would have it applied in aid of the poor-rates—a proposition which he had strenuously opposed, and they being convinced that they were not entitled to seize upon those funds, gave up their claim. He ventured to say, that he should, on all occasions, object to gifts being taken away to be applied to general purposes. Let hon. Gentlemen not forget that the grammar schools of this country had been established solely for the purpose of classical education. The masters were appointed as classical masters, and to ask them to teach little boys reading and writing, was one of the most unreasonable things in the world. But he was one of those who thought, that the fulfilment of the design of the founders of those grammar schools was not incompatible with a plan of general education; but he would never consent to have these institutions broken into so far as not to leave sufficient means for classical instruction. He hoped, therefore, that, whatever might be done, the noble Lord would have a particular regard to the design of the founder as well as to what the new state of society demanded.

Sir *Robert Inglis* said, he for one should most decidedly object to any attempts to divert the funds in the possession of the grammar schools of the country from the objects and purposes for which they were originally given by the testators, or others bequeathed or gave them, and he trusted no motives of expediency would induce the House to interfere with or violate the right of every person to dispose of while living, or to bequeath after his death, his own property as he thought fit.

Sir *Eardley Wilmot*, in explanation, said, he did not wish to convert the funds of the grammar schools in the way the hon. Baronet seemed to suppose. The fact was, that in some instances the property which originally did not produce *50l.*, now realised *500l.* per year, and therefore he thought, education might be given not only in classics, but in all the other branches. This was done now at Harrow, Rugby, and Birmingham.

Sir *R. Peel* said, it was hardly fair to enter further into this important question until some measure was brought forward. There was, however, one point connected with grammar schools to which he wished to call the attention of the Attorney-general. There were many cases in which the trusts, by deceases and other causes, had become vacant; and though there were many individuals who were willing to undertake the trusts, yet the vacancies were not filled up in consequence of the expense attending an application to the Court of Chancery in order to get a valid appointment. The expense, he believed, would amount to *70l.* or *80l.* Now, if it were possible, in cases where there was no dispute, to frame a summary form for the reconstruction of those trusts without incurring so great an expense, it would be very desirable. He knew schools where the trusts were vacant, the funds so small as to make it impossible they could bear the cost of an application to the Court of Chancery, and if means could be provided for the valid reconstruction of the trusts in a summary way, it would tend greatly to the advantage of those schools.

Lord *J. Russell* said, the point to which the right hon. Baronet had called the attention of the House, was certainly one in which an improvement might be made, and he would consult his hon. and learned Friend, the Attorney-general, as to what could be done with respect to it. This subject was one of the largest, the most important, and he would add, one of the most difficult questions which could be brought forward; and he was glad to hear the opinion upon it of the right hon. and learned Member for Ripon, who, besides his general knowledge, had gone practically into it by having attended, at his request, on the commission on trust charities. It was very difficult to say in what authority the power of dealing with those trusts ought to be placed, and how far the will of the original founders, in conformity with the changes which by time had taken place, and the opinions of the present day, might be departed from. He could not, however, but think, that in the present day there might be most beneficial departures from the wills of original founders, and he could not, like the hon. Baronet, the Member for the University of Oxford, follow literally those intentions: if so, what would become of the gifts, the large sums of money and extent of lands given to the University of Oxford, with express directions that masses should be said for the souls of the donors and founders.

Sir *R. H. Inglis* observed, that if his noble Friend was prepared to bring in a bill to repeal an act brought in by a certain Lord Russell three centuries ago, making it unlawful to leave money for the purposes of masses, he should be prepared to discuss the question with his noble Friend.

Report agreed to.

BEER BILL.] On the order of the day for the House to resolve itself into a committee of the whole House on the Sale of Beer Bill, and on the question that the Speaker now leave the chair,

Mr. *Hume* objected to the House proceeding further with this bill. On its first introduction, the hon. Member who brought it forward (Mr. Pakington) had been asked to make out a case, in order to induce the House to alter the existing law; but instead of making out the case, the hon. Member had been obliged to confess that the applications made to the House in favour of the proposed alteration had arisen in consequence of the circular the hon. Member had addressed to the different counties of England, calling the attention of the authorities there to the provisions of this bill, and urging them to petition. The hon. Member had urged in support of his bill the irregularities of which the keepers of beer-shops were constantly guilty; he stated that those irregularities were greater in the beer-shops than in the public-houses. Now, he had obtained returns which altogether refuted that allegation, and in fact showed that there was greater regularity in the conduct of the beer-shops than in that of the public-houses. The House had been told that robberies were concocted in the beer-houses, and that by those houses crime was encouraged. That argument would have held good if the hon. Member could have shown that before the passing of the Beer Act there had been no robberies or thefts, but when it could be proved that there were fewer robberies and thefts since beer-shops were established than before, the argument failed. Had the people who carried on the beer-shops showed themselves hostile to the law? If the hon. Member would look to the returns before the House, he would find that the beer-shop keepers were really the innocent parties, and that those whom he would befriend, the licensed victuallers, had been guilty of tenfold the crimes and offences of their competitors. The hon. Member had referred on a former occasion, to anonymous letters to support his views; but what was anonymous information to authentic returns? It appeared from the returns which had been moved for by the right hon. the Chancellor of the Exchequer, that in the year 1835 there had been 129 licensed victuallers convicted for adulterating beer. In the following year there had been 146 convictions for the same offence; and of these, 144 were licensed victuallers, and only two beer-shop keepers. In 1837 there were forty-eight convictions, and would the House believe that of this convict class only one person was a beer-seller, while there were 47 licensed victuallers? So much for the offence of adulteration. He had taken the trouble to ascertain the state of things in London in respect to irregularity, and he had returns, beginning from the year 1830, of the number of publicans and beer-shop keepers summoned before the magistrates for irregularities. From those returns it appeared, that in the year 1830 there had been 123 licensed victuallers summoned, of whom 109 were convicted, and fourteen escaped; in the same year only four beer-shop keepers had been summoned, and all four informations were dismissed. In 1831 there had been summoned 169 licensed victuallers, of whom 143 were convicted, and twelve dismissed; while in that same year only ten retailers of beer had been summoned. In 1836 the number of licensed victuallers summoned was 357, of these 333 had been convicted, and twenty-four dismissed; and in the same year the number of beer-shop keepers summoned was 194, whose offences in the majority of the cases were for opening a few minutes too early, or keeping open a few minutes too late. In 1837 the licensed victuallers summoned were in number 546, of whom 519 had been convicted and twenty-seven dismissed. In the same year the number of beer-shop keepers summoned was 241, and of these 217 were convicted, and 24 dismissed. In 1838 the number summoned was 655 licensed victuallers, of whom 603 were convicted, and fifty-two dismissed; 349 beer-shop keepers, of whom 320 were convicted, and twenty-eight dismissed. The result was, that during the whole period which the returns covered there had been 2,519 licensed victuallers brought before the magistrates, while there had only been summoned 1,008 beer-shopkeepers. On the whole the hon. Member opposite had made out no case for a further legislative interference. Indeed, if anything was done, it should be that the Chancellor of the Exchequer should place the beer-shops on an exact equality with the public-houses. He could not see on what principle it was that beer-shops should be shut while the gin-shops were allowed to remain open. It appeared to him, that this bill was wholly uncalled for, and therefore he should move, that the House resolve itself into a committee upon this bill on this day six months.

Mr. *A. Sanford* thought the vast number of petitions which had been presented from all classes praying for an alteration in the present Beer Act afforded sufficient reason for the House taking the present bill into its consideration. He must say, that those who had seen the working of the existing law were more competent to judge of it than those who formed their opinions from returns which were made to that House. That a superintendence by the magistrates had formerly been necessary, was shown by the legislation which had taken place so long ago as the year 1494, again in 1562, and again in 1787. In 1787 the Secretary of State issued a circular to the Magistrates cautioning them against the system that prevailed in issuing licences. He thought it absolutely necessary that some plan should be adopted for licensing these houses different from the present. All that was necessary now was to obtain the certificates of six householders of the neighbourhood; but if the excise officer by whom the licence was granted took care to ascertain that the person applying was a man of good character and respectability, much of the present evil would be done away with. He thought the measure would be one of very general utility, and he hoped there would be no objection to going into Committee on the bill.

Viscount *Dungannon* said, that he had never listened to a more monstrous proposition than that of the hon. Member for Kilkenny, for stopping the progress of the bill. He would, however, give the House the returns for the Borough of Liverpool, which would show what the proportion was between the offences of the two classes of houses; in 1830-31 the number of convictions was—licensed victuallers 80, beer-houses 106; in 1831-32, licensed victuallers 82, beer-houses 81; in 1832-33, licensed victuallers 88, beer-houses 77; in 1833-34, licensed victuallers 72, beer-houses 95; in 1834-35, licensed victuallers 67, beer-houses 179, in 1835-36 licensed victuallers 193, beer-houses 312; in 1836-37, licensed victuallers 39, beer-houses 87; in 1837-38, licensed victuallers 83, beer-houses 135. That, he thought, was a fair criterion of the two classes of houses. He believed, if the hon. Members made inquiries among the clergymen and magistrates from one end of the country to the other—from Northumberland to Cornwall—he would hear that a great portion of the vice and immorality existing among the agricultural classes was to be attributed to the establishment of beer-houses. As a county magistrate, he could state, that most of the robberies—not those of a trifling, but many of a much graver character, were concocted in the beer-houses, whose proprietors were, in most cases, men of no capital or property. He hoped the motion would be carried by a large majority.

The *Chancellor of the Exchequer* was not prepared to oppose the measure at its present stage, and therefore he could not support the hon. Member for Kilkenny's amendment, by which the House would refuse to consider the bill. The arguments of his hon. Friend should rather have been directed against the second reading of the bill than against the bill in its present stage, and above all, after the understanding that was come to when it was last before the House. When the bill was read a second time, he then took the opportunity of stating, and he thought, with the approbation of many Members, that on going into committee he should endeavour to induce the House to assimilate and equalise as much as possible the laws respecting licensed victuallers and beer-shop keepers. If he failed in his attempt to do this, he would join with his hon. Friend in voting against the bill on the report or on the third reading. What was the state of public opinion on this subject? It appeared by the returns on the Table, that 77 petitions had been presented for the repeal of the Beer Act, and these were signed by 6,420 persons; against the repeal nine petitions had been presented, signed by 20,757 persons. But for carrying into effect the principles for which he contended, namely, for equalising the law between the licensed victuallers and beer-shop keepers, he found that, independently of the numerous petitions presented that evening, petitions had been presented signed by 248,000 persons. He trusted, therefore, that they would go into committee with a view of considering the clauses of the bill. In recommending that course he was bound to say, that he entirely repudiated the doctrines of the noble Lord; for if they were correct, the House ought not to be satisfied with the bill of the hon. Member for Droitwich, but should insist on the total repeal of the Act of 1830. He should take the liberty of refuting some of the very extraordinary statements of the noble Lord. It was assumed in the first place, that all the beer-shops were disreputable places, that their owners were men of no character or property, and that they were all hot-beds of vice. He would show that there was no ground whatever for these general statements. The House would hardly believe that the property invested in these houses was very considerable. He held in his hand a letter from one party, who stated that he had invested 4,000*l.* in the establishment of a beer-shop. It might be said, that that was only an individual case, but he had a return of 360 beer-shops, and the total amount of the rental was 8,226*l.*; the amount of capital invested was 74,210*l.*, and that was but a small proportion of the 40 or 50,000 houses for which they were called upon to legislate. He would now give the noble Lord another instance, and he would take a case from the metropolis. There was a beer-shop in Mile-end, the property of an individual owner, the value of the house and fixtures was 1,500*l.*, the stock 1,325*l.*, and that was one of the class which the hon. Gentleman opposite represented as persons without property, and in many cases without character. [Viscount *Dungannon* had alluded to beer-houses in agricultural districts.] The noble Lord and those hon. Members who had discussed the question, had brought the arguments as against the whole body, and he, for one, could not allow them to back out of their assertions in that way. The next case he would quote was that of a beer-shop in Ratcliffe-street. The value of the house was 600*l.*, and of the stock 500*l.* Then with respect to residence, which was an excellent test of character, there were instances of 8, 6, 10, 16, and even of 23 years constant residence in one house, the parties paying rates and taxes, and contributing to parochial and other dues during all that time, and yet they were told, that these men were wholly without capital, and altogether devoid of respectability. There was another point to which he wished to call the attention of the House. In stating the amount of capital embarked in that trade, he had not taken into account the amount of capital embarked by brewers, and if that were added to the capital of the beer-house keepers, it would form a sum total which would much astonish hon. Members. He would take the number of licensed brewers before and after the passing of the Beer Bill, and he would begin two years before the passing of the Act. In the first year, the number of licensed brewers, was 27,161; in the year after the passing of the Bill it was 36,284; but in the following year the number was 42,976; and in the one following that 43,087. Therefore there was an addition of capital, as represented by the increase in numbers, from 27,161 brewers to 43,087, the number of licensed brewers in the last year, and he wished hon. Members, and more especially landed proprietors, to recollect that it was these brewers who furnished a market for their barley, and formed a great addition to the demand for the agricultural produce of the country. He was merely applying himself to the arguments that there was no capital embarked in these beer-houses. He held in his hand another return of a very extraordinary nature, and to which he would call the attention of hon. Members opposite. Nothing was more easy than to say that the licensed victuallers, as a class, were all men of wealth and independence; while the keepers of beer-shops were men without capital. He had procured a return from the Excise officers of the number of public-houses and beer-houses within the respective collections extending over the whole of England. It appeared by that return, that the number of public-houses was 55,513, and the number of beer-shops licensed to sell beer to be consumed on the premises, 36,054. Now of these 55,000 public-houses, the owners of which were supposed to represent so much wealth and capital, there were 18,379 who rented houses under 10*l.* yearly value. And it should be remembered, that the value of the house was increased by the licence, so that the 10*l.* did not merely represent the natural but the fictitious value of the rent Amongst the beer-shops there were houses under 5*l.* in value, 1,858; and above 5*l.* in value, 34,196. That, however, might not be considered a fair mode of comparison, and he would take the question in another point of view. There were of publicans inhabiting houses under

10*l.* in yearly value, 18,379; and beer-shops under 10*l.* yearly value, 15,318. It should besides be borne in mind, that the value of the public-houses was increased by the licence, which was not the case with the beer-houses. What, then, became of the exaggerated statements of the wealth of the one class, and the absence of capital of the other, which had been put forward by hon. Members opposite. He would lay these papers on the Table of the House, because he thought they would go far to dispel the delusion that existed on this subject. He, did not, however, think it would be wise to continue the license to houses rated under 5*l.*; with that exception, he contended, that there ought to be a totally free trade in beer, subject only to such police regulations as were considered to be necessary. The deputation of beer sellers, who had had an interview with him had thought that instead of good police regulations being any hardship they would be a protection to their trade, and had assented to the proposition. They stated, that it was the want of police regulations in small places that had raised the storm against them, and they were perfectly willing to acquiesce in the proposed modification. He had now disposed of that part of the case which related to the value of the property; and he had shown the contrast between the one class and the other was founded on entire delusion. He now came to an important question, that which referred to crime; and the assertions that had been made on this subject were just as gratuitous and unfounded as they were on the other. The opponents of that measure had two facts to establish—first, that the amount of crime had increased, and, secondly, that such increase was to be attributed to the Beer Act. Now, as to the first of these points, he had procured from the Home-office some tables, the accuracy of which there was no reason whatever to doubt. Before he stated the conclusions he drew from these tables, he would remark, that since the Municipal Corporation Bill had been in operation, there had existed a more active system of police, greater facilities for bringing offenders to conviction, than those which existed before the passing of that Act. In addition to this, since the year 1834, three or four large classes of crime, such as common assaults, riots, and breaches of the peace, had been included in the criminal returns for the first time. On both these accounts, it would by no means follow that there had been an increase of crime, even if the returns showed a greater number of commitments, after the passing of the Beer Act, than there appeared to have taken place previously in equal periods of the time. It might, however, with certainty, be assumed that a decrease in the number of commitments was proof of the decrease of crime. But what were the facts as they appeared upon these tables? He would take four years before the passing of the Act and four years afterwards. In the period from 1826 to 1829 inclusive, the average ratio of increase of crime had been 7½ per cent. What was the ratio of increase in the four years after the passing of the Act? Why, 2½ per cent. only. What became, then, of the allegations that there had been an increase of crime? It was, however, said, that although the total amount of crime had not increased, there had been an augmentation in the agricultural districts. What was the fact? Why, in twenty of the largest agricultural counties, there was a decrease in commitments altogether, and particularly a decrease in the commitments for serious offences. Allusions had repeatedly been made to sheep-stealing and cattle stealing, as if these crimes had almost originated since the establishment of beer-shops; but on referring to the returns of the commitments, as well as of the offences, he found a great decrease in both these classes of crime, as well as in maliciously wounding or maiming cattle. It appeared, also, that since that period, the offences against the Game-laws had diminished forty-five per cent. In spite of these facts, they were repeatedly told that crime had increased in consequence of the existence of beer-shops; but previously to the establishment of the latter trade, almost all the offences that were committed were imputed in argument to the public houses. There was then a general outcry against the licensed victuallers, which had been transferred to the beer-shop keepers. For his own part, without lending himself to the propagation of reflections on any class of persons, he might be permitted to observe, that he thought that crime might rather be imputed to indulgence in ardent spirits than in beer. Certainly it was the opinion of most moralists that crime was more likely to be engendered by habits of spirit drinking than by taking beer. This, indeed, seemed to be the general feeling; and one of the greatest moral instructors that this country had produced, namely, Hogarth, had furnished an admirable illustration of this in his two celebrated pictures of "Beer-street," and "Gin-lane." He would entreat the House to approach this subject with the most serious deliberation. If there was one thing more calculated than another to lessen the House in the opinion of the country, it was a want of consistency in its legislation. The interest now in question was created under a well-considered and thoroughly-debated measure, and after full inquiry, and the very point now more particularly raised was raised then; evidence was taken on the subject, and that evidence supported the passing of the measure, and negatived the assertions which were then and now made. The measure was a very bold, but a very effectual financial reform, and the Government which carried it through merited the best thanks of the country. The question was again discussed in 1834. A committee sat on the subject—evidence was taken, and the House legislated restrictively upon it, but not to the effect which the hon. Member now proposed, and still less to the effect of destroying the trade. He trusted the House would not impair its character with the country by the injustice and inconsistency of destroying an interest which it had only just raised. He should vote for going into committee for the purpose of proposing his amendments; and if he did not succeed in inducing the committee to adopt them, he should certainly oppose the third reading of the bill.

Lord *Eliot* could not agree with the right hon. Gentleman, the Chancellor of the Exchequer in taking property as a test of respectability, which was the same principle as that adopted by a witness once, who defined a respectable man to be one who kept a gig. The whole of the right hon. Gentleman's address had been a panegyric on beer-shops; but the magistrates with whom he had communicated in different parts of the country had taken a very different view of the subject. But he admitted that a great part of the evil might be attributed to the inefficient control over the beer-shops. With a rural police, a great many of the evils might be remedied. He should vote for going into committee, but he did not think the bill of his hon. Friend best calculated to effect the object he had in view. He was opposed to the principle of making property the test of respectability.

Mr. *Warburton* thought the returns referred to by the right hon. Gentleman, the Chancellor of the Exchequer, most satisfactory. It ought also to be remembered, that whenever beer-sellers exceeded the hour prescribed by the Act for keeping their houses open, they fell under a description of offence from which licensed victuallers were exempt, and that therefore the number of convictions of these different classes of individuals did not offer a fair comparison of the mischiefs arising from the two sorts of establishments.

Captain *Wood* said, he thought it right to state, that in the London district, while the licensed victuallers were 4,300, the beer-shops were only 1,560; so that the convictions were two to one, and the numbers as three to one.

Lord *Worsley* said, as a county magistrate, he felt bound to make a few observations. He certainly did not attribute the increase of crime to the beer-shops exclusively. But the Chancellor of the Exchequer had stated, that crime had decreased. Now, that might be the case in large towns, but, in the country, he was afraid that the efficiency of the town police had but tended to drive bad characters into the rural districts. Certainly he much doubted if crime had really diminished so much as 45 per cent. At all events, that was not the case in his own county, where the depredations upon the farmers had greatly increased. The farmers, indeed, generally complained most grievously of the existing law, stating that their servants had thereby great facilities for drinking, and that their conduct had, since the passing of that law, become much worse. Of one thing he was convinced, that the state of the country would never become thoroughly improved until an efficient paid constabulary was established. He hoped the bill would be allowed to go into committee, though he was by no means so sanguine as to benefits to be expected from it, yet he felt that some alteration in the law was imperatively called for.

Mr. *Pakington* said, he was not prepared for such a discussion upon the committee, which, he thought, would have better taken place upon the second reading. He must observe, that a great part of the speech of the right hon. the Chancellor of the Exchequer was against a bill now before the House—a bill for entirely doing away with the beer-housse. The hon. Member for Kilkenny had said, that no case had been made out for the present bill, an observation which he (Mr. Pakington) would not take the trouble to refute. The capital alleged to be invested in the beer-houses was very unequally distributed; and the proposal, that they should be such as were rated at 10*l.* or 15*l.*, would secure respectability. As to the argument drawn from the returns of the London district, it was sufficient to observe, that the licensed victuallers were to the beer-houses as five to one. No one could be more desirous than himself of putting down all the misery and vice connected with spirit houses; but because such misery and vice were connected with the spirit houses, were the evils associated with the beer shops to go unremedied? It was in evidence before the committee of 1834, that the sale of spirits had been increased by the competition consequent upon the passing of the Beer Act. If it had been proved, that the public houses were the haunts of vice, they would have been equally condemned; but no such complaint had been made. Besides, the licensed victuallers' houses were directly under the control of the magistrates, which was not the case with these beer-houses. Now as to the question of crime, he admitted, that was most important—and that unless he could show, that the beer-houses were haunts of vice, and injurious to the working classes, he had no right to ask the House to restrict them. But the right hon. Gentleman had not established any case in their favour by merely stating from general statistical returns, that crime throughout the country had not increased. The real question was, whether it had not been established, that the beer-houses were the haunts of crime, that therefore they were strongly objectionable, and the ground of just and general complaint? Now he contended, that this had been abundantly proved. He would refer emphatically to the numerous confessions of men who had been executed under sentence of the law. Surely hon. Members would not disregard the declarations of dying men, as to the causes which had led to their unhappy fate. And he could cite many such declarations of men upon the scaffold, that their crime and their misery were attributed to beer-houses. He could also quote many confessions of those who had become the inmates of gaols, through the evil associations which they had formed in the beer-houses. From thirty-one counties, the magistrates had almost unanimously petitioned against the existing law. When the Act was under consideration in the House, the debates were long, and the division very narrow; and it was really remarkable to observe how accurately the predictions of those who had then opposed it had been fulfilled. Undoubtedly this was no party question. The Beer Act had been proposed by the party with whom he had the honour usually to vote. But the great man who had been then at the head of the Government had now been the foremost to avow that the measure had failed, and had since recorded his vote for the repeal. It had been said, indeed, that in 1834, legislation had taken place upon the subject, but it was legislation abortive and miserable. The present bill was founded upon the report of the Committee in 1834; and the proposal for a 10*l.* qualification was in reality lower than the 10*l.* proposed in 1834, as 10*l.* rating then would be equivalent to 15*l.* now, owing to the local Assessment Act, which had since passed; with regard to the hours, he must say, that the licensed victuallers had been hardly dealt with, and he would agree to the principle of the clause suggested in this respect by the right hon. the Chancellor of the Exchequer, though he thought it was very loosely worded, and would be difficult to frame accurately, especially in regard to travellers. Believing that the bill was intimately connected with the morals, welfare, and the happiness of the people, he hoped the House would not be led away by the statistical statements of the Chancellor of the Exchequer to reject it.

Mr. *M. Phillips* concurred in requesting his hon. Friend, the Member for Kilkenny, not to persist in opposing the bill going into committee. He regretted, that this bill, which had been introduced so long ago as the 7th March, should now be under discussion. He wished the subject had been referred to a select committee, which might have inquired into the different charges against both the beer-houses and licensed victuallers, and might have made a report, on which legislation would perhaps have been more satisfactorily founded than upon the discussions in that House. Upon one point he thought there could be no difference of judgment—that some legislation upon the subject was imperatively required. He hoped the hon.

Member for Kilkenny would consent to withdraw his motion, and not interfere at present with the hon. Member.

Mr. *Hume* said, that concurring in much of what had fallen from the Chancellor of the Exchequer, he should withdraw his amendment.

House went into Committee.

On the first clause being put,

The *Chancellor of the Exchequer* said, it would be most convenient if the noble Lord the Member for Liverpool would bring forward his amendment on the first clause.

Viscount *Sandon* agreed with the right hon. Gentleman that it would be better to dispose of his amendment (a clause for prohibiting the consumption of beer on the premises) at once. He had many objections to beer-houses, and could adduce the testimony of clergymen (Roman Catholics as well as Protestants) in Liverpool, Manchester, and other populous towns, that beer-houses were the resort of the worst characters, and had been productive of a great increase of crime. He contended, that the consumption of spirits was not diminished, but rather increased, by the multitude of beer-houses. The evidence of the deputy constable for Manchester stated, that such were the temptations the beer-shops held out to the lower classes, especially the Irish, to distil illicit spirits, that the revenue lost 50,000*l.* a year in that town alone. The objection against the system was almost unanimously strong amongst the best informed and the least prejudiced persons. The grand juries of Essex, Oxfordshire, Huntingdonshire, Surrey, the Western Circuit, and many other important districts, were all against it. He, therefore, would move the insertion of the following clause:—

> "That from and after the commencement of the act, it shall be lawful for the commissioners of excise or other persons duly authorised, to grant a licence for the sale of beer, ale, porter, cider, and perry, under the authority of the said recited act (the former Beer Act), to any person applying for the same; but that such licence shall not authorize the sale of beer, &c., to be drunk or consumed in the house of the person specified in the licence."

The *Chairman* was of opinion, that the amendment which was a new clause could not be put.

The *Chancellor of the Exchequer* thought it would be better that the question should be raised upon the postponement of the clause.

Amendment postponed.

On the question, that the blank in the first clause be filled up with the words "ten-pounds,"

The *Chancellor of the Exchequer* was glad the twelve month's previous residence was abandoned. He thought, however, the other provision equally unreasonable. The result of adopting it would be that 15,518 beer-houses, which at present were rated under 10*l.* would be disqualified. It would be also manifestly unjust, as it would continue 18,379 public-houses, which were all rated under 10*l.* Nothing could be more unjust, and he would add more untenable, than such a proposition, and he should most decidedly oppose it. He should also object to the principle of twelve months' previous residence, inasmuch as it would be a bar to the application of capital, and capital in its most beneficial state, arising from the occupation of houses of an improved construction, and built for the purposes of that trade. In the clause which he intended to substitute, he proposed that where the population of the district was under 5,000, the qualification should be 5*l.*; where it was above that number, the qualification to be 10*l.*, and a house rated at 15*l.* to be the qualification within the bills of mortality. That would exclude about 1,800 houses existing under the present system, but he thought it would be productive of good, inasmuch as in the existing small houses they could not have good police regulations. On these grounds he would object to the clause.

Sir *E. Knatchbull* was not quite sure, that the rates proposed by the Chancellor of the Exchequer would be successful, but he was anxious to allow a trial of the experiment. The whole responsibility ought to be thrown into the hands of the Government, and, if the experiment failed, the House could afterwards take the matter up.

Mr. *Slaney* reminded the Committee, that a vast amount of property had been invested in the trade which was the subject of the bill. In the towns, the beer-shops had been in many cases productive of much good. He should prefer the rating between the two propositions, but, as that could not be obtained, he would recommend the adoption of the proposition of the Chancellor of the Exchequer.

Mr. *Pakington* was deeply impressed with the necessity for legislation respecting beer-shops, and having taken up the subject at an early part of the Session, and from the most disinterested motives, he could not abandon the measure which he had brought forward, at least till the House had by a division expressed its opinion. He could not consent to adopt the non-consumption clause which had been proposed by the noble Lord near him, neither could he agree to the scale of *5l.* 10*l.* and 15*l.* which had been recommended by the right hon. Gentleman, the Chancellor of the Exchequer. The non-consumption clause would certainly diminish the number of beer-shops, but it would take away the best class and leave the worst remaining. He should, therefore, if the clause was pressed to a division, vote against it. By the scale proposed by the Chancellor of the Exchequer, 15*l.* was to be the rate for the metropolis, and he must say he thought that the proposal was unfair, for the beer-shops in the metropolis were the least objectionable, and yet they were to be rated highest. If he could not secure the principle, that no house should be licensed as a house of entertainment unless it was of the annual value of 10*l.* he would rather abandon the bill altogether.

Sir *Robert Inglis* said, the Committee was placed in an extraordinary position by the proposition of the Chancellor of the Exchequer. He had brought in what he called clauses, a proceeding for which he believed there was no precedent. The bill of his hon. Friend consisted of a few clauses, and what his right hon. Friend, the Chancellor of the Exchequer, had introduced under the humble name of "clauses" was a bill three times as long as that of his hon. Friend, and it seemed rather unfair to his hon. Friend to take that course. He hoped his hon. Friend would not abandon his original determination.

The *Chancellor of the Exchequer* said, he had taken that course which he considered fairest. He had given full notice of the clauses he meant to propose, and had them printed. The question was as to the 10*l.* qualification, to which he objected, because upon the best information he had been able to procure, he believed, the effect of that qualification would be to crush the beer-house keepers in many parts of the country. And he believed, that so long accustomed as the people had now been to these houses, it would be impossible to prevent the beer from being sold. It would be really monstrous to put down 15,000 beer-houses under 10*l.* and to allow 15,000 licensed victuallers' houses under 10*l.*

Mr. *Parrott* said, he thought the Beer Act one of the best measures that had been adopted, and hon. Members who supported this bill, seemed to look rather at the few evils which were said to have arisen under the present system than at the many benefits it conferred on the labouring population.

The Committee divided on the question, that the blank in the first clause be filled up with the words, "ten pounds": —Ayes 76; Noes 103: Majority 27.

List of the AYES.

Attwood, W.
Bagge, W.
Baker, E.
Bentinck, Lord G.
Bethell, R.
Brabazon, Sir W.
Bruges, W. H. L.
Buck, L. W.
Burrell, Sir C. M.
Chetwynd, W.
Clerk, Sir G.
Codrington, C. W.
Cole, Viscount
Darlington, Earl of
Dungannon, Viscount
Du Pre, G.
Eastnor, Viscount
Egerton, W. T.
Egerton, Sir P. G.
Estcourt, T. S. B.
Evans, W.
Fellowes, E.
Filmer, Sir E.
Fleming, J.
Gore, O. J. R.
Gore, O. W.
Greene, T. G.
Grimsditch, T.
Halford, H.
Heathcote, Sir W.
Hector, C. J.
Heneage, G. W.
Hodges, T. L.
Hope, hon. C.
Hope, G. W.
Hughes, W. B.
Hurt, F.
Inglis, Sir R. H.
Irton, S.
Irving, J.
Jermyn, Earl of
Kemble, H.
Knatchbull, Sir E.
Knight, H. G.
Lascelles, W. S.
Liddell, H. T.
Lowther, Colonel
Lowther, J. H.
Lygon, hon. General
Mackenzie, T.
Mackinnon, W. A.
Manners, Lord C.
Marton, G.
Miles, W.
Miles, P. W. S.
Noel, W. M.
Packe, C. W.
Palmer, R.
Plumptre, J. P.
Polhill, F.
Pusey, P.
Rolleston, L.
Rushout, G.
Sandon, Lord
Sanford, E. A.
Shaw, F.
Shirley, E. J.
Teignmouth, Lord
Vere, Sir C. B.
Verner, Colonel
Waddington, H. S.
Walker, C. A.
Welby, G. E.
Williams, W. A.
Wodehouse, hon. E.
Worsley, Lord

TELLERS.

Pakington, J. S.
Rushbrooke, Colonel

List of the NOES.

Aglionby, H. A.
Alcock, T.
Alston, R.
Attwood, T.
Baines, E.
Barnard, E. G.

Benett, J.
Bewes, T.
Blake, W. J.
Bodkin, J. J.
Bowes, J.
Briscoe, J. I.
Brocklehurst, J.
Brotherton, J.
Bulwer, Sir E. L.
Burroughes, H.
Busfield, W.
Cayley, E. S.
Clay, W.
Collier, J.
Collins, W.
Dashwood, G. H.
Douglas, Sir C. E.
Duke, Sir J.
Ellis, W.
Evans, G.
Ewart, W.
Fazakerley, J. N.
Fenton, J.
Finch, F.
Fleetwood, H.
Gibson, T.
Gillon, W. D.
Goulburn, H.
Grey, Sir G.
Hall, B.
Hawes, B.
Hawkins, J. H.
Hinde, J. H.
Hindley, C.
Hobhouse, T. B.
Horsman, E.
Hoskins, K.
Howard, P. H.
Howick, Lord
Hume, J.
James, W.
Jervis, J.
Langdale, hon. C.
Lushington, C.
M'Leod, R.
Marsland, H.
Molesworth, Sir W.
Morris, D.
Murray, A.
Muskett, G. A.
O'Connell, J.
O'Connell, M. J.
Palmer, C. F.
Parker, J.
Parnell, Sir H.
Parrott, J.
Pechell, Captain
Philips, M.
Pryme, G.
Rice, E.
Rice, T. S.
Rickford, W.
Roche, Sir D.
Rolfe, Sir R. M.
Rundle, J.
Russell, Lord J.
Salwey, Colonel
Scholefield, J.
Scrope, G. P.
Slaney, R. A.
Smith, B.
Stansfield, W. R. C.
Stock, Dr.
Strickland, Sir G.
Strutt, E.
Sugden, Sir E.
Tancred, H. W.
Thornley, T.
Townley, R. G.
Troubridge, Sir T.
Turner, E.
Verney, Sir H.
Vigors, N.
Villiers, C. P.
Wallace, R.
Warburton, H.
Ward, G. H.
White, A.
Wilde, T.
Wilkins, W.
Williams, W.
Wilmot, Sir E.
Wilshere, W.
Winnington, T.
Winnington, H.
Wood, C.
Yates, J. A.

TELLERS.
Baring, hon. F.
Steuart, R.

The *Chancellor of the Exchequer* assured the House that he had brought forward his amendments in perfect good faith, and not with a view to lead to the abandonment of all legislation on the subject: if such had been his intention, he should have opposed this bill on its second reading. But after the decision the Committee had come to, what course was now to be pursued? He would not call upon the Committee now to discuss the clauses he had to propose, but would suggest that those clauses should be brought up and agreed to *pro formá*, and that the Chairman should then report progress, and ask leave to sit again. In making this proposition, he was aware he laid himself open to the observation, that by this mode of proceeding he was substituting an entirely new bill for the one now before the House; but he was not without a precedent, for a similar course had been pursued by the hon. and learned Member for Huntingdon some sessions since. He, however, was in the hands of the Committee, but at present he should propose to negative this and the remaining clauses, to bring up his own clauses, and that the Chairman then report progress.

Mr. *Cayley* recommended the hon. Member for Droitwich to leave the measure in the hands of the Chancellor of the Exchequer.

Mr. *Goulburn* said, that the course proposed by the right hon. Gentleman was the only course that could now be pursued.

The first and remaining clauses negatived.

Viscount *Sandon* then moved the clause above noticed.

The *Chancellor of the Exchequer* opposed the clause, on the ground that it would open the door to endless frauds. The beer-shop keepers would evade the law by allowing the beer to be drunk in their gardens or their neighbours' houses, and the whole country would be one scene of litigation.

The Committee divided:—Ayes 85; Noes 146: Majority 61.

List of the AYES.

A'Court, Capt. E.
Alford, Viscount
Attwood, W.
Baker, E.
Bentinck, Lord G.
Bethell, R.
Broadley, H.
Burr, H.
Burrell, Sir C. M.
Cantilupe, Lord
Cayley, E. S.
Chetwynd, Major
Codrington, C. W.
Cole, Lord
Cresswell, C.
Darlington, Earl of
D'Eyncourt, C. T.
Dungannon, Lord
Du Pre, G.
Eastnor, Viscount
Egerton, W. T.
Egerton, Sir P.
Estcourt, T. S. B.
Fellowes, E.
Filmer, Sir E.
Fleming, Admiral
Gore, O. J. R.
Gore, O. W.
Greene, T.
Grimsditch, T.
Grimstone, E. H.
Hale, R. B.
Halford, H.
Heathcote, Sir W.
Hector, C. J.
Heneage, G. W.
Henniker, Lord
Herbert, S.
Hillsborough, Earl of
Hope, C.
Hope, G. W.
Hughes, W. B.
Inglis, Sir R. H.
Irton, S.
Irving, J.
Knatchbull, Sir E.

Liddell, H. T.
Lowther, Colonel
Lygon, Colonel
Mackenzie, T.
Mackinnon, W. A.
Mahon, Lord
Manners, Lord C.
Maunsell, T. P.
Miles, P. S.
Neeld, J.
Noel, W. M.
Norreys, Lord
Packe, C. W.
Palmer, G.
Parker, M. E. N.
Parker, R. T.
Pease, J.
Plumptre, J. P.
Pringle, A.
Richards, R.
Rolleston, Colonel
Round, J.
Rushbrooke, Colonel
Shaw, F.
Sheppard, T.
Shirley, J. E.
Sibthorp, Colonel
Sinclair, Sir G.
Stanley, E.
Talbot, C. R.
Teignmouth, Lord
Thomas, Colonel
Thornhill, G.
Vere, Sir C. B.
Vernor, W.
Waddington, H. S.
Welby, G. E.
Winnington, T. E.
Worsley, Lord

TELLERS.

Sandon, Lord
Palmer, R.

List of the NOES.

Aglionby, H. A.
Ainsworth, P.
Alcock, T.
Alston, R.
Attwood, T.
Bagge, W.
Baines, E.
Baring, H. B.
Barnard, E. G.
Beamish, F. B.
Benett, J.
Berkeley, hon. C.
Bewes, T.
Blackstone, W. S.
Blake, M. J.
Blake, W. J.
Blennerhassett, A.
Bodkin, J. J.
Bowes, J.
Bramston, T. W.
Bridgman, H.
Briscoe, J.
Brocklehurst, J.
Brotherton, J.
Buck, L. W.
Buller, C.
Bulwer, Sir E. L.
Burroughes, H. N.
Busfeild, W.
Callaghan, D.
Clay, W.
Clements, Lord
Collier, J.
Collins, W.
Darby, G.
Dashwood, G. H.
Douglas, Sir C.
Duke, Sir J.
Ellis, W.
Euston, Earl of
Evans, G.
Ewart, W.
Fazakerley, J. N.
Fenton, J.
Finch, F.
Fleetwood, Sir H.
Gillon, W. D.
Gordon, R.
Goulburn, H.
Grey, Sir G.
Harcourt, G. G.
Hawes, B.
Hawkins, J. H.
Hayter, W. G.
Hinde, J. H.
Hindley, C.
Hobhouse, T. B.
Hodges, T. L.
Hodgson, R.
Horsman, E.
Hoskins, K.
Howard, P. H.
Howard, Sir R.
Howick, Lord
Hume, J.
Hurt, F.
James, W.
Jervis, J.
Johnson, General
Kemble, H.
Langdale, hon. C.
Lowther, J. H.
Lushington, C.
M'Leod, R.
Marsland, H.
Martin, T.
Maule, hon. F.
Mildmay, P. St. John
Miles, W.
Molesworth, Sir W.
Moreton, hon. A. H.
Morris, D.
Murray, A.
Muskett, G. A.
O'Connell, J.
O'Connell, M. J.
O'Ferrall, M.
Oswald, J.
Paget, F.
Pakington, J. S.
Palmer, C. F.
Parker, J.
Parnell, Sir H.
Parrott, J.
Pechell, Captain
Philips, M.
Pryme, G.
Redington, T. N.
Rice, E. B.
Rice, T. S.
Rickford, W.
Roche, Sir D.
Rolfe, Sir R. M.
Rundle, J.
Russell, Lord J.
Rutherford, A.
Salwey, Colonel
Scholefield, J.
Slaney, R.
Smith, J. A.
Smith, B.
Standish, C.
Stanley, E. J.
Stansfield, W. R. C.
Stuart, Lord J.
Stock, Dr.
Strutt, E.
Style, Sir C.
Surrey, Earl of
Tancred, H. W.
Thompson, Ald.
Thomson, C. P.
Thornely, T.
Troubridge, Sir T.
Turner, E.
Verney, Sir H.
Vigors, N. A.
Villiers, C. P.
Walker, R.
Wallace, R.
Warburton, H.
Ward, H. G.
Westenra, hon. R.
Westenra, J. C.
White, A.
White, Colonel H.
Wilde, T.
Wilkins, W.
Williams, W.
Williams, W. A.
Wilshere, W.
Winnington, H.
Wodehouse, E.
Wood, C.
Wood, Captain
Yates, J. A.

TELLERS.

Baring, F.
Steuart, R.

Clause rejected. House resumed.

REMOVAL OF ELECTORS.] Mr. *Gibson* moved the Order of the Day for the third reading of the Electors' Removal Bill.

Mr. *Bagge* moved as an amendment, that the bill be read a third time that day three months, inasmuch as the proposed measure went to destroy the 10*l.* clause in the Reform Bill.

Colonel *Sibthorp* thought the bill extremely objectionable. It appeared to him to be merely a bill to bring in parties who had no qualification, to vote with those who had a qualification, and he should certainly oppose it. He seconded the amendment.

Mr. *Ewart* hoped the House would not be led away by the eloquence of either of the hon. Members opposite to reject the bill.—[*Cries of* " *Oh!*"] If hon. Members who did him the honour to interrupt him would only attend to what he had to say, he was satisfied they would, when they collected their sober senses, find that he was right. If the House would only consider what was taking place every day in Election Committees they would be convinced that some change in the present system was necessary. It was painful to any person attending the Carlow Committee now sitting to witness the interminable disputes as to residence.

Viscount *Mahon* rose to order. The committee had not yet given in its report to the House. Any allusion, therefore, to its proceedings was irregular.

The *Speaker* said, that no hon. Member was at liberty to refer to the proceedings of any election committee before it had reported to the House.

Mr. *Ewart* contended, that if they allowed the present system to continue much longer, the public would lose all confidence in the decisions of that House. He should give his cordial support to the bill.

Mr. *Blackstone* stated, that he had voted for the second reading of this bill. He had, however, a serious objection to the bill, since it admitted out-voters at borough elections. A person habitually resident on the continent might claim to vote under it. He had suggested, that a clause should be introduced into the bill to this effect—"Provided such person be a rated inhabitant of such town." If this clause were not introduced, he would vote against the third reading.

Mr. *Warburton* supported the bill. It was necessary, in order to prevent voters who might change their residence, between one registration and another, from being deprived of their right to vote. He feared, that if they adopted the limitation of the hon. Member who had just sat down they would open the door to all the litigation and expense which the bill was calculated to do away with.

Viscount *Sandon* remarked, that no species of bribery was more common than that of paying the expenses of out-voters coming to the poll. He was, therefore, strongly opposed to the bill.

Viscount *Dungannon* considered the proposition embodied in this bill to be a perfectly monstrous one. The inconvenience of having out-voters was not to be permitted, and the expense of bringing up voters from a distance would be extremely heavy. He could not conceive any measure calculated to give rise to greater abuse. Some such measure as this, if kept within the bounds of prudence and common sense, might perhaps have been useful, but if the bill were to pass as it stood, he thought it would prove one of the most noxious measures that had been passed since the Reform Bill.

Mr. *O. Gore* said, that the principle of representation, as he understood it, was this, that those who were sent to the House of Commons were sent by persons having an interest in the place for which they were sent as Members; but the interest ceased the moment that the individual left the place. He could not understand on what principle it could be asserted, that an individual who had gone to the extremity of the kingdom, after having parted with all right of property in Ipswich, or any other borough, should still retain the right of voting for that borough. It was not common sense. Again, suppose that such a man went away from a borough, his name still remained on the register, and for anything that the bill enacted, if no objection was made to him, he continued on the register, and continued to vote, and so might continue to vote *in infinitum*, as long as he lived, although he had no property whatever in the borough. Certainly, the House could not, without stultifying itself, agree to such a bill, repugnant as it was to the whole principle of the Reform Bill.

Mr. *Brotherton* could state from experience, that in a borough constituency of 2,000, there would be 200 removals in twelve months, while very probably not more than ten of the 200 would quit the town. A person might be rated to a 10*l.* house, which he might afterwards quit in order to take a 20*l.* house, and yet at the election he might not be a rated inhabitant of a 10*l.* tenement. The question really was, whether they would agree to disfranchise the 190 because ten perhaps quit the borough in the year. As to what the hon. Gentleman said about remaining on the register for life and voting all the time, it was perfectly impossible that any such thing should occur, because the overseers made out the registry every year, and the premises would be returned either as vacant or under the name of the new occupant. He hoped the House would pass the bill, because he believed its operation would be just to both parties.

Sir *G. Clerk* wished to make a few remarks on the bill, which he regarded as a measure of considerable importance. At any rate, it was deserving of some discussion, and the more so as it had hitherto passed to its very last stage without any discussion whatever; [" *No, no!*"] at least, then, with but a short discussion. As to the probable effects of the bill, he did not think it would act upon one party more than another; therefore, they were to look upon it in regard to its intrinsic merits, and with reference to the principles of the Reform Act. For himself, he would say at once that he was not prepared to defend the case of persons who, on removing to another tenement in the same borough, were deprived of their vote. Parliament, he thought, were bound to find some remedy for this evil. But the bill went much further than this, for it went to admit the principle that a person who removed to the further end of the kingdom should be still entitled to vote in the borough he had left. This, as had been well observed, was wholly opposed to the principle of the Reform Act. The noble Lord had said the other night in reference to that Act, that there was nothing to which he was more opposed than to a system of petty legislation on the subject of that great measure. He hoped the noble Lord would adhere to the sentiments he then expressed. At all events, he was convinced that the Government ought not to let this bill pass into a law. The learned Attorney-general had some little time back brought in a bill for the better registration of voters, the same nearly that he had brought in before, but as the Government contemplated a larger measure, which would embrace the whole subject, the learned Gentleman thought fit to withdraw his bill. Now, he did say, that when the Attorney-general of the Crown was obliged to withdraw his bill, because it was understood that the Government had in view a more comprehensive measure, it was too bad that this bill should be allowed to pass. He was aware, however, that there might be circumstances which rendered this bill more agreeable to hon. Gentlemen opposite than if it had proceeded from other hands. But there was another point: the legislation for Scotland on the subject was wholly inconsistent with this bill. The Registration Bill for Scotland took away the right of voting, except the person resided within seven miles of the place for which he claimed to vote. This bill was brought in by the Lord Advocate, the Attorney-general, and the Under Secretary of State. It excluded, too, those from voting who had removed from the borough. So that this bill was directly opposed in principle to a bill then before Parliament, and introduced under the immediate auspices of the Government. On these grounds, he did hope that the noble Lord would join with him in voting against the further progress of this measure.

Lord *Ingestrie* said, the bill was one which called for a distinct expression of opinion on the part of her Majesty's Government. Hon. Members on his side did not object to any person voting in the same borough, though he had removed from one tenement to another; but what they did object to was, that a man should have a vote for the borough when he went to another part of the country. He thought this was quite contrary to the principle of the Reform Act. He thought too that the measure would have exhibited to better advantage the good taste of its author if it had come from the other side of the House. The hon. Member who was the author of it seemed to be fitly called a Conservative-Radical. For his part he thought this bill trenched upon the principle of the Reform Act, and he would oppose its further progress, though he had always considered the Reform Act as fraught with danger to the country, an opinion which time had given him no reason to alter.

The *Solicitor-General* thought that this bill was the most practical bill that ever had been introduced into the House, because it was directed against an evil pressing equally on both sides of the House, and which all the constituencies in the country must wish to see removed. But the hon. Member for Stamford said, that this bill was inconsistent with the Registration (Scotland) Bill. Now, there was no analogy between the two cases. In Scotland the registration was not renewed annually. As to the objection that this measure might bring in a great number of out-voters, he was really astonished to hear it urged gravely. He did not believe that it would make more out-voters than there were at present. There were now at every election a great number of out-voters absent. The objection that under the bill a certain number of electors remaining on the registry would for the current year—for it was only for that time—have a vote who by the Reform Act were not entitled, was too minute to require notice.

Mr. *Goulburn* said, this was not a party question, and ought not to be discussed as such. However, the principle of the bill was entirely opposed to the principle of the Reform Act, and his great objection was, that it removed this principle in boroughs and cities without doing so in counties. If it were just that persons without qualifications should vote in boroughs and cities, he thought that electors in counties ought to have the same privilege.

Mr. *Gibson* was very glad to hear the right hon. Gentleman say, that this was no party question, because he hoped that the noble Lord would take that remark as a gentle reproof for having said, that the author of the measure would have shown better taste had he sat on the other side of the House. Such a remark as that could only have been dictated by the spirit of party. As to the appellation of Conservative-Radical, he really did not know what it was; he could only say, that the party who supported him at his election for Ipswich had, through their leaders, most strongly requested him to bring forward this bill. The hon. Member for Worcestershire (Mr. O. Gore) had expressed a hope that the House would not stultify itself by passing this bill. Now, the hon. Member, as others did, spoke as if the bill were an entirely new measure. But, in fact, a similar bill was introduced a short time back, when, if he was not mistaken, the hon. Gentleman was a Member of the House, and he earnestly hoped, that he did not omit the opportunity of registering his vote in opposition to a measure to which he had just now so solemnly declared his objections. The House having entertained the former and similar bill, he hoped they would not stultify themselves by refusing to pass this bill.

The House divided on the original question—Ayes 137; Noes 122—Majority 15.

List of the AYES.

Aglionby, H. A.
Ainsworth, P.
Alcock, T.
Archbold, R.
Attwood, T.
Baines, E.
Bannerman, A.
Baring, F. T.
Barnard, E. G.
Beamish, F. B.
Berkeley, hon. H.
Berkeley, hon. C.
Bernal, R.
Bewes, T.
Blake, M. J.
Blake, W. J.
Bodkin, J. J.
Bridgman, H.
Briscoe, J. I.
Brocklehurst, J.
Brotherton, J.
Buller, C.
Busfield, W.
Callaghan, D.
Cavendish, hon. C.
Cayley, E. S.
Clay, W.
Clements, Lord
Collins, W.
Dashwood, G. H.
D'Eyncourt, hn. C. T.
Duke, Sir J.
Duncombe, T.
Ellice, W.
Euston, Earl of
Evans, G.
Evans, W.
Fenton, J.
Finch, F.
Fleetwood, Sir H.
Gillon, W. D.
Gordon, R.
Grey, rt. hon. Sir G.
Hall, Sir B.
Hawes, B.
Hawkins, J. H.
Hayter, W. G.
Heathcoat, J.
Hector, C. J.
Hobhouse, T. B.
Hodges, T. L.
Hoskins, K.
Howard, P. H.
Howick, Lord
Hume, J.
James, W.
Jervis, J.
Johnson, General
Lambton, H.
Langdale, hon. C.
Lascelles, hon. W.
Lushington, C.
Macleod, R.
Marsland, H.
Maule, hon. F.
Mildmay, P. St. John
Molesworth, Sir W.
Moreton, A. H.
Morpeth, Lord
Morris, D.
Murray, A.
Muskett, G. A.
O'Connell, J.
O'Connell, M. J.
O'Ferrall, R. M.
Oswald, J.
Paget, F.
Palmer, C. F.
Parker, J.
Parnell, rt. hn. Sir H.
Parrott, J.
Pease, J.
Pechell, Captain
Philips, M.
Philips, G. R.
Pigot, D. R.
Pryme, G.
Redington, T. N.
Rice, E. R.
Rice, rt. hon. T. S.
Roche, E. B.
Roche, Sir D.
Rolfe, Sir R. M.
Rumbold, C. E.
Rundle, J.
Russell, Lord J.
Rutherfurd, rt. hn. A.
Salwey, Colonel
Scrope, G. P.
Smith, B.
Standish, C.
Stanley, E. J.
Stansfield, W. R. C.
Steuart, R.
Stuart, Lord J.
Stuart, W. V.
Stock, Dr.
Strickland, Sir G.
Strutt, E.
Style, Sir C.
Talbot, C. R. M.
Tancred, H. W.
Thomson, rt hn. C. P.
Thornely, T.
Troubridge, Sir E. T.
Turner, E.
Verney, Sir H.
Vigors, N. A.
Villiers, hon. C. P.
Walker, R.
Wallace, R.
Warburton, H.
Ward, H. G.
Westenra, hon. H. R.
Westenra, hon. J. C.
White, A.
Wilbraham, G.
Wilde, Sergeant
Wilkins, W.
Williams, W.
Williams, W. A.
Wilshere, W.
Winnington, T. E.
Winnington, H. J.
Wood, C.
Worsley, Lord
Yates, J. A.

TELLERS.

Gibson, M.
Ewart, W.

List of the NOES.

Acland, T. D.
A'Court, Captain
Alford, Viscount
Arbuthnot, hon. H.
Attwood, W.
Baillie, Colonel
Baker, E.
Baring, F.
Baring, H. B.
Bentinck, Lord G.
Bethell, R.
Blackstone, W. S.
Blennerhasset, A.
Bramston, T. W.
Broadwood, H.
Brownrigg, S.
Bruges, W. H. L.
Buck, L. W.
Burr, D. H. D.
Burroughes, H. N.

Burrell, Sir C.
Calcraft, J. H.
Cantilupe, Visct.
Clerk, Sir G.
Codrington, C. W.
Cole, Viscount
Cresswell, C.
Cripps, J.
Darby, G.
Darlington, Earl of
De Horsey, S. H.
Douglas, Sir C. E.
Dungannon, Viscount
Du Pre, G.
East, J. B.
Eastnor, Viscount
Egerton, W. T.
Egerton, Sir P.
Ellis, J.
Estcourt, T.
Estcourt, T.
Farnham, E. B.
Fellowes, E.
Fleming, J.
Gordon, Captain
Gore, O. J. R.
Gore, O. W.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Grimsditch, T.
Grimston, hon. E. H.
Hale, R. B.
Halford, H.
Heathcote, Sir W.
Heneage, G. W.
Henniker, Lord
Herbert, hon. S.
Herries, rt. hon. J. C.
Hillsborough, Earl of
Hinde, J. H.
Hodgson, R.
Hope, hon. C.
Hope, G. W.
Hotham, Lord
Howard, Sir R.
Hughes, W. B.
Hurt, F.
Ingestrie, Lord
Inglis, Sir R. H.
Irton, S.
Irving, J.
James, Sir W. C.
Jermyn, Earl
Kemble, H.
Knatchbull, Sir E.
Knightly, Sir C.
Liddell, hon. H. T.
Lincoln, Earl of
Lowther, hn. Colonel
Lowther, J. H.
Lygon, hon. Gen.
Mackenzie, T.
Mackinnon, W.
Mahon, Lord
Manners, Lord C.
Maunsell, T. P.
Meynell, Captain
Noel, hon. W. M.
Norreys, Lord
Packe, C. W.
Palmer, R.
Palmer, G.
Parker, M.
Parker, R. T.
Plumptre, J. P.
Polhill, F.
Pringle, A.
Rae, right hon. Sir W.
Richards, R.
Rickford, W.
Rolleston, L.
Round, J.
Rushbrooke, R.
Sandon, Lord
Shaw, right hon. F.
Sheppard, T.
Shirley, E. J.
Sinclair, Sir G.
Stanley, E.
Stormont, Lord
Teignmouth, Lord
Thomas, Colonel H.
Thompson, Alderman
Thornhill, G.
Vere, Sir C. B.
Verner, Colonel
Vivian, J. E.
Waddington, H.
Welby, G. E.
Wodehouse, E.
Wood, T.
Young, J.

TELLERS.
Sibthorp, Col.
Bagge, W.

Bill read a third time and passed.

REGISTERS OF BIRTHS.] Lord *John Russell* moved, that the report on the Registers of Births Bill be brought up.

Mr. *Goulburn* was anxious to avail himself of the present occasion to make a few observations to the House. He had observed at the time that the bill passed, that it would afford facilities to clandestine and illegal marriages, and he was sorry to find that his anticipation had been fulfilled to a certain extent. In the other House he found, that a very remarkable case of this kind had been brought under notice, and this must have made a great impression on all that had listened to it. He had also before him a number of cases of almost a similar nature, and it appeared, that when persons could not get married by bans, in consequence of the degree of consanguinity existing between the parties, that they went before the registrar and succeeded in their object. He had learned also from some of the officers of the ecclesiastical courts, that there was a much greater number of illegal marriages brought before those courts than was formerly the case. He had had cases before him, in one of which a man had married his late wife's sister's daughter. In the first instance, an application being made to the rector to marry the parties, he objected to do so on the bans being published, in consequence of the affinity of the parties: he also informed the registrar of the circumstance, and prevented the marriage taking place before him. Some time afterwards the rector of the parish went out of town, and on his return he found that a fresh application had been made to the registrar, and the marriage had taken place before him. There was also another case in which the minister of a parish had refused to marry a man to his late wife's sister; but he found that a short time afterwards the parties got married in a Dissenting chapel, although their offspring would, of course, be illegitimate. He also complained that the present system of registering births was most imperfect, and had tended much to interfere with the baptisms in the Church. In the large parishes in the country this was found to be particularly the case. For instance, in Bury, in Lancashire, in 1836, the year before the bill came into operation, there had been 806 baptisms while in 1838 the number was only 579, shewing a diminution of upwards of 200. He also complained, that in some instances in the metropolis, the rule had not been adhered to of appointing persons to offices under the bill that had kept aloof from political agitation. He would instant a case in the parish of St. Giles, London, where a man had been appointed who had taken a most prominent part at a public meeting against the Church. He contended also, from the documents on the Table, that, so far from there being a more complete system of births, deaths, *&c.*, than formerly, that it was directly the contrary, and more particularly so in the metropolis. Thus, in the returns for last year for the metropolis, he found, that the number of registered births amounted to 37,735, while the number of deaths amounted to 53,511. Such was the return from the Registrar-general's office; and if this return were correct, all the parishes in the metropolis must be in a state of gradual depopulation. He believed, however, that the fact was, that there was an increasing population by births in most parishes. Taking, again, the proportion of births to baptisms, the latter greatly exceeded the former. In the parish of St. George, Hanover-square, the Registrar-general's return gave the number of births during the last year at 878, while the parochial returns gave the number of baptisms at 1,306. He might be told, that children were brought from other parishes to be baptised here, but he was not aware whether this was the case or not. At any rate, it was an extravagant disproportion between the births and baptisms. Again, in the parish of Marylebone, according to the returns, there had been 2,500 births last year, while in the same time there had been 3,700 deaths. According, then, to this return, a larger proportion of the parish was dying off every year. The same observation applied to the parishes of Hackney and St. Pancras. The chief ground upon which the Government introduce the Register Bill was to afford a remedy for the inaccuracies of the registers kept by the parochial clergy. He did not think, that the object had been attained. If this new system of civil registration were to go on, it was of the utmost importance that it should be strictly accurate. Up to the present moment, he must say, that so far from having given any additional security, the new system had only added to the embarrassments which existed previous to its adoption.

Lord *John Russell* did not agree with the right hon. Gentleman that the Registration Bill had greatly disappointed the public. The disappointment could not have been greater than might naturally have been expected, especially when it was recollected how exceedingly defective the old system was. Even though baptism may have been duly registered in their respective localities, the returns were not sent to the diocese, or to any other fit place, to be enrolled. In attempting the new system, it was proposed that the Act should be made compulsory, but Parliament would not agree with the Government, and it was made voluntary to a considerable extent. However, there had been, on the whole, considerable accuracy, making allowances for the difficulties of a beginning and the obstructions of prejudices, as might be seen on referring to the Registrar-general's Report. It was stated, that the proportion of deaths was one in forty-five, and the probable number of deaths during the year, 340,549. The right hon. Gentleman stated the number to be 335,968; the accounts of the Registrar-general made it 335,926, making a difference of about 5,000 between the probable numbers and the calculations of Mr. Finlaison. He (Lord John Russell) would admit, that in the registration of births there had been a very considerable deficiency, but not more than might have been looked for. He was sorry to say, that one fact, which the right hon. Gentleman (Mr. Goulburn) did not allude to, accounted for this in a great degree. This was the effort that had been made by a great part of the clergy to induce their flocks not to comply with the law—by exhortations, and by printed circulars. No wonder, therefore, that a great difference should appear between the number of births and that of baptisms registered. He found, that the number of births registered for the quarter ending March 31, 1838, was 113,815; in June 30, 1838, it was 121,281. The average number of births for the whole year was 480,000. The number of baptisms registered for the whole of the year 1838, was 444,589. The people were now gradually conforming to the law. The deficiencies arising from the religious scruples of parents, who were averse from baptism altogether, and the feelings of those who put off baptising until the children were five or six years old, would be remedied by the operation of the present Act. The opposition of the clergy to the measure, proved what he had often deplored before, viz., the want of religious education amongst the people. No doubt there had been several clandestine marriages under the present system. He had heard of one illegal marriage of which no notice was given within his own personal knowledge; three such marriages had come to his knowledge altogether, and of course there might have been others. These were matters which, in such a large population, would of course take place, and had happened in former times, owing to ignorance on the part of the clergymen of the circumstances of the case. These points had, moreover, been particularly noted by those who were desirous of finding fault with the operation of the bill. With regard to the persons who had been appointed by the Registrar-general, he had no means of satisfying the right hon. Gentleman, as the names of those persons had never come before him. He was willing to allow, that there were some defects in the bill, which it would be very desirable to remedy; but he thought it would be better to watch the working of the bill for a little longer, and thus obtain a knowledge of what was really required for perfecting the measure. But on the whole, he saw no reason to alter the opinion he had expressed on first introducing the bill, that it was advisable to establish a civil registration with an office in London, to which copies of the registry might be transmitted, and where they might be referred to. This was an advantage that no other civilised nation was deprived of, and he thought it was very desirable that we should do all in our power to improve and extend this system.

Mr. *Goulburn* apprehended, that the noble Lord had construed into an opposition to the law the exhortations which the clergy had felt themselves called upon to issue to their flocks, to urge on them the necessity of baptism for their children.

The *Attorney-General* said, the case was not, as supposed by the right hon. Gentleman, and he regretted exceedingly that in many instances the clergy had set themselves in direct opposition to the law. He wished the right hon. Gentleman would enlighten their minds on the subject, and make them understand that the law of the land must be obeyed. A case had come before him the other day, in which a clergyman had actually refused to marry a couple on the certificate of the superintendent registrar. Now, for such a disobedience to an Act of Parliament the clergyman was clearly liable to indictment. He had not advised that course to be pursued; he hoped it would not become necessary; but if the clergymen continued openly to defy the law, some measures must be taken for its enforcement.

Sir *Robert Inglis* wished to know, if the learned Gentleman considered an Act of Parliament imperative on every priest to administer the sacrament of marriage on the certificate of a superintendent registrar. Did he mean to say, a priest of the Church of England was the only person subject to legal infliction for disobeying this law? He really wished for his opinion on this subject, although on this occasion he should expect it without the usual fee.

The *Attorney-General* was of opinion, that if an Act of Parliament called upon a priest of the Church of Rome, or of the Church of England, or any other person, to do anything, that person was bound to obey the law. In the case alluded to, the clergyman was not only liable to ecclesiastical censure, as he would have been before the passing of this Act, but he had been guilty of an indictable offence.

Report agreed to; Bill to be read a third time.

HOUSE OF LORDS,

Friday, June 28, 1839.

MINUTES.] Bills. Read a first time:—Patent Laws Amendment.—Read a second time:—Spiritual Services in Parishes.

Petitions presented. By the Marquess of Bute, the Earls of Rosebery, and Hardwicke, and Lord Redesdale, from a number of places, for a Uniform Penny Postage.—By the Bishops of London, and Exeter, from three places, against the Church Discipline Bill.—By the Earl of Zetland, from Orkney, for Church Extension in Scotland.—By the Bishop of London, from two places, against the Government plan for National Education.

BILLS OF EXCHANGE BILL.] The Marquess of *Lansdowne*, in moving the further consideration of this bill, felt it his duty to call their Lordships' attention to the amendments he proposed. It was intended to extend the operation of the bill to what were technically called "forbearances," and to that there seemed little objection, but a doubt was yesterday entertained whether floating securities ought also to be included. The bill, as it had passed the third reading, included advances on Exchequer-bills, public annuities, East India Stock and Bonds, Bank Stock, and South Sea bills, and he proposed to add the words "or upon any goods or merchandizes, or warrants, or bills of lading." This amendment proceeded on the same principle as the clause that parties should have every additional advantage that could be fairly afforded to them for negotiating assistance. Four houses might require relief—the first might be enabled to offer a large mass of Exchequer-bills—the second might offer a large mass of South

Sea Stock—the third might have many casks of sugar—and the fourth might have warrants representing a large amount of sugar; and would it be expedient to deny relief to the two last classes? The object of the bill would not, indeed, be attained, unless facilities were afforded, to enable parties in want of assistance, to pledge every sort of floating security. It was impossible fairly to estimate the value of such advances. One of the first houses in the country, during a crisis a few years ago, required assistance. There was not a house that was established on a firmer foundation, but, in consequence of the sudden operation of the crisis, it was upon the point of giving way, and was only prevented, in consequence of advances from the Bank of England, who made them without hesitation or doubt, and so saved, not only that particular house from ruin, but many of the houses in the county of Lancaster. In his opinion, they ought to enlarge the operation of this bill, so as to include every species of security.

Amendments agreed to, and the bill passed.

GOVERNMENT OF JAMAICA—SECOND MEASURE.] Mr. Burge and Mr. Mereweather were heard at the Bar, as counsel against the Government of Jamaica Bill.*

HOUSE OF COMMONS,

Friday, *June* 28, 1839.

MINUTES.] Bills. Read a first time:—Linen Manufactures (Ireland); Bankrupt Liability; Parochial Cure of Souls Indemnity.—Read a second time:—Loan Fund (Ireland); Admiralty Court.—Read a third time:—Bankrupts Estates (Scotland); Custody of Infants; Borough Watch Rates; Exchequer of Pleas.

SMALL DEBTS COURTS.] Lord *Stanley* said, perhaps he might be allowed to call the attention of the House for a few minutes, to the proceedings to be adopted with regard to the numerous Small Debts Court Bills which had been introduced. The proceedings of all the committees on Small Debts Bills had been suspended till Monday next, with a view that, in the mean time, a full discussion on the subject should take place, in order to secure uniformity in those bills, by the adoption of some general regulations which would be applicable to all. He understood that the committee which had been appointed to consider whether a general measure could not be brought forward would sit on Monday, and he believed it was probable that that committee would, within a few days afterwards, make their report. It was, however, possible that it would be found impracticable to introduce a general measure founded on that report at so late a period in the Session; but even if such should be the case, he thought a course might be adopted, which would secure uniformity in bills for establishing courts for the recovery of small debts, and at the same time enable all parties anxious for such bills to proceed in the present Session. He would suggest, that when the committee had reported, the chairman, or some other member of the committee should take the trouble of extracting the leading principles relative to the constitution of the court, and other points of importance, on which they proposed to found a general measure; and if such a course were adopted, he thought it might be practicable to frame a general instruction, which would secure the great object of uniformity, and yet enable private parties to proceed with their bills. When that extract was made, he would propose, that the chairman of the general committee should move an instruction to all committees on local Small Debts Bills, to make provisions in those bills, in accordance with the general measure to be afterwards introduced. By the adoption of that course, a Parliamentary authority would be given to the proceedings of the different committees, and those committees would be enabled to proceed on an uniform principle, and all parties anxious for local bills, would be enabled to obtain them in the present Session, while all would be in accordance with the general measure to be afterwards introduced. He would suggest, therefore, that it might be wise to suspend the proceedings of committees on Small Debts Bills for a short time beyond Monday, and that an early day next week should be fixed upon, when after a short debate, the House, he was persuaded, would be enabled to frame some general instruction, which would allow all the small debts committees to proceed on one uniform plan.

Sir *G. Grey* said, the general committee would certainly meet on Monday next, and would, in a very short time afterwards, make their report, as they had already agreed on the principle on which they proposed that a general measure should be founded.

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* For these and the preceding speeches, on the same subject, see Appendix at the end of the Session.

Lord *J. Russell* said, it seemed to him, that if the House were to decide on the general principle upon which Small Debt Bills ought to be framed, it would be better to introduce at once a general measure on the subject.

Mr. *P. Thompson* said, that in order to allow sufficient time to ascertain what course the House might recommend, after the general committee had reported, he should move, that the proceedings of committees on Small Debts Bills be farther suspended for a week from Monday next.

Ordered accordingly.

CANADA.] Sir *Robert Peel* before the House proceeded to business, begged to remind the noble Lord opposite, that he had said he would that evening intimate to the House what course he intended to pursue with respect to Canada, and that Canada Bill which provided for the union of the provinces. Would the noble Lord now intimate whether he intended to press the second reading of that bill to a division, and if so, on what day the division would be taken?

Lord *John Russell* replied, that he did not mean to press the second reading of that bill.

Mr. *C. Buller* wished to ask the noble Lord whether he intended to take any further steps about the other Canada bill.

Lord *John Russell* said, the bill for the temporary government of Canada would be brought forward with a view to make it a law, if possible. He stated some time time ago that there were despatches from Upper Canada, stating the opinions that were entertained by the House of Assembly there, and by the committee of that House; further despatches were received yesterday, which he had read that day, from the Governor, stating several important circumstances, and that it would not be advisable without an absolute necessity to have a discussion in that House about the union of the two provinces.

Sir *Robert Peel* said, that was exactly the ground which he had taken. Would the noble Lord indicate to the House what course he intended to pursue with respect to the future, in order to bring this question to an issue? There was a great anxiety on the part of the Canadians to know what were the intentions of the Imperial Parliament on this subject. He ventured to say, that it would be absolutely necessary that they should apply themselves to this as to a paramount object—namely, that they should determine what was to be the condition of the Canadas in future? Were they to invite the House of Assembly to send persons hither to be examined at the Bar of the House, or was it intended to send out persons, or what means were to be used in order that the difficulties which interrupted the course of legislation might be removed?

Lord *John Russell* purposed in the course of the present Session, as he had already stated, to move through the further stages the bill for removing those difficulties and obstacles which stood in the way of the temporary government of the province of Lower Canada. It was the intention of the Government to propose a plan, of which the outlines had been already given to the House, for the purpose of effecting the union of the two provinces; but it did appear from the accounts received from Canada that the plan of union, which at first had been adopted not only by one party in Lower Canada, but generally by persons of great influence, and by the Assembly of Upper Canada, had since been the subject of great discussion. When the last accounts came away there was a considerable ferment prevailing on that subject, and a general desire on the part of one great party that this House should not proceed to legislate on the subject without hearing the whole of the case of Upper Canada. He therefore thought it necessary not to endeavour to carry further the measure of union without giving every careful consideration to the question, and the expression of some concurrence in the plan of union. It was therefore the intention of her Majesty's Government, having prepared that bill, to send it to Canada with instructions to obtain information, and as far as possible an approval of the plan, which might be for the general benefit of all persons, and he hoped at an early period of the ensuing Session to submit a measure which would be likely permanently to settle the question. If the right hon. Gentleman object to the course her Majesty's Government intended to pursue with regard to the union, he should be disposed to pay every attention to his objections. But he must say, that a great part of the difficulties existing in Canada, in respect to the bringing forward of any plan, might be attributed to the discussions which had taken place; and those difficulties could not be removed by discussions got up, not for the purpose of Canada, but for other purposes, such, for instance, as that taken at the end of the last Session of Parliament with regard to the administration of Lord Durham. In his opinion, if Lord Durham had been allowed to continue the course which he was pursuing, he would have speedily removed all the difficulties which stood in the way of legislation for the Canadas.

Lord *Stanley* wished to know if he understood the noble Lord to say, that he intended to send out to Canada a bill for the purpose of taking as general a concurrence of opinion as possible in favour of the provisions of it; and, if so, was it his intention to send out for that purpose the bill which had been printed that morning, and delivered to the Members of the House, or to withdraw that, and send out one framed on different principles?

Lord *John Russell:* The printed bill.

Subject dropped.

HARBOURS OF REFUGE.] Mr. *Cayley* inquired whether, with reference to what had fallen from the right hon. Gentleman, the President of the Board of Trade, on a former evening, he would be prepared on the part of the Government to propose any measure on the subject of harbours of refuge on the north eastern coast.

Mr. *P. Thomson* denied, that anything had fallen from him on a former occasion to justify the hon. Member in supposing that Government had taken up the question. On that occasion he objected to a particular bill, by which tolls were authorised to be levied, being introduced as a private bill, thinking as he did, that a bill giving such an authority ought to have been a public bill. Nor could he give the hon. Gentleman an affirmative answer as to whether the Government would take up the question of harbours of refuge, for no sooner was it suggested, that any one particular spot was fitted for the purpose in any part of the kingdom than up started five or six gentlemen, each maintaining that there was some spot in their own immediate neighbourhood more especially adapted to the purpose. He could, however, promise that the Admiralty would give every assistance in their power in perfecting the surveys of the coast.

MUNICIPAL CORPORATIONS (IRELAND.] Upon the Order of the Day for the further consideration of the Report of the Municipal Corporations (Ireland) Bill having been read,

Mr. *Shaw* said, that up to the stage of the bill at which they had then arrived there had been no discussion of it, and as a great number of hon. Gentlemen at that side of the House were not prepared for having it brought on so soon, he trusted, that the discussion would not then be taken, but that they should proceed with as many of the clauses as they could select upon which there would be no difference of opinion, and that the discussion should be taken at a future period upon whatever day the noble Lord opposite (Lord J. Russell) should name. Upon the second reading of the bill some of those who were opposed to it merely stated their reasons for not opposing that stage of the bill, but it had not as yet been fully debated; in fact, it had been very generally believed, until within the last few days, that the Government did intend to proceed with the bill this Session. The bill had been allowed to pass the stage when discussion was generally taken—it had been allowed to be committed *pro formâ*; but now they had before them a bill with several new clauses added, and which was in many respects different from the original bill, and containing a long appendix. This bill now contained 250 clauses, and the appendix contained a great many pages; and he, therefore, hoped that the noble Lord would have no objection to accede to his proposal. It was quite evident, that it would require some time to consider a bill which contained no less than thirty-four new clauses, which introduced changes in the former boundaries, and proposed to introduce a totally new principle with respect to the voting in towns, for the English franchise was he perceived now for the first time proposed to be adopted in that bill. He did not complain, that the noble Lord in thus bringing forward the bill had done anything more than what he had a right to do;

but, with such a short notice, he hoped that the noble Lord would afford a little additional time to hon. Members on that side of the House, and that he would merely proceed with those clauses upon which there existed no difference of opinion. If those who acted with him, had known in time that the Government were serious in their intention of proceeding with the bill they would have been quite ready to take the discussion of it; but they had not really believed, that it was the serious intention of the Government to proceed with the bill this Session.

Lord *John Russell* could not say, that he thought the right hon. Gentleman was prepared to make any great concession. The right hon. Gentleman said, in the first place, that he was ready to give up the right, which he and his Friends certainly had, of taking a discussion on the question that the Speaker do leave the chair, as had been done on former occasions. But the right hon. Gentleman should recollect, that last year, a different course was pursued with respect to this bill. Previously it had been contended by hon. Gentlemen on the other side, that it was better to extinguish corporations altogether, which was a principle entirely different from that of the present bill. Last year, it was stated by hon. Gentlemen on the other side, that they were prepared to consider the question of corporations founded on an elective or popular principle, and therefore that they differed only upon details. After such a statement, and especially after a discussion and division had taken place upon the second reading of the bill in the present year, he thought that there was no opportunity now for going back to a question which must be considered a dead and bygone question. The question now was as to the details of the bill, and when he proposed that the Speaker should leave the chair to go into Committee on the bill, he felt, that it had been kept a sufficiently long time before the House. It had been introduced in February, and had gone into Committee in April. The right hon. Gentleman said, that he was ready to allow them to go as far as five clauses of the bill; but he would retain the right of objecting to every word and syllable of the 245 clauses that remained. He did not think that the concession was to be received with any extraordinary gratitude. He thought it would be better to go on with the bill, and go at once into the clauses upon which there was the greatest difference of opinion—those with respect to the franchise—and leave the more complicated clauses until the right hon. Gentleman was prepared with his amendment. He would either do this, or go regularly through the bill, as the House should think necessary.

Mr. Sergeant *Jackson* trusted the noble Lord would not press on the consideration of the bill, which many gentlemen on both sides of the House had believed the Government did not intend to proceed with this session. The bill, as amended, had not been in a printed shape beyond a fortnight or three weeks, and was increased from 216 clauses to 250. There was a series of thirty-four new clauses, beginning at the 184th., all having for their purpose the amendment of the Poor Relief Act. The qualification provided by this bill was different from what it had been in former bills. The qualification established by the bill was an 8*l.* qualification, but it was to last only for three years. After that, as he collected from the bill, every person who was assessed to the poor-rate, at however small a payment, was to have the borough qualification. If the 8*l.* qualification was to be permanent, he could understand how one series of clauses should be introduced; but as this qualification was to last for only three years, he could not perceive the object with which they had been inserted in the bill. The bill was, for some cause or other which he could not understand, encumbered with a series of clauses for the amendment of the Poor Relief Act, which ought to be the subject of another bill. He really, therefore, thought that the House ought to be allowed some little time for the consideration of the 250 clauses contained in the bill. He must observe, also, that the powers given to the town-councils by this bill, were extremely formidable. He would boldly state, that under this bill it would be in the power of the town-council to create any number of offices they pleased, to allocate any amount of salary they thought fit, and to supply any deficiency in the borough fund for those purposes by taxing *ad libitum* the inhabitants of the town. They had also the power of doing that in the most objectionable mode possible, under the act of the 9th of George 4, which gave a graduated scale of taxation. He saw nothing in the bill to prevent the corporation of Dublin making the hon. and learned Gentleman opposite (Mr. O'Connell) lord mayor of Dublin, and giving him a salary of 50,000*l.* a-year, which they might make the citizens of Dublin pay. He had stated, that there was one series of clauses, the object of which properly related to the amendment of the Poor-law Act, passed last year. There was also another series, from clause 144 to clause 155, which involved a principle quite new. He was not saying, that these might not be very judicious clauses, but he maintained that they contained a perfectly novel principle, and that they did not appear in the bill as printed in February. Hon. Gentlemen who represented English and Scotch cities and counties, might not be aware how they managed fiscal matters in Ireland. In Ireland, all funds for local purposes were raised by the grand juries, but the bill proposed to transfer this power to the town-council in boroughs. This, therefore, was an innovation upon the practice hitherto established, and required time for consideration. The House should be cautious how it conferred such a power on a town-council, and at any rate it should take care to introduce proper guards against the dangers which might accrue from the town-council being armed with this new authority. He thought, that if this power were conferred upon the town-council, the franchise should at any rate be considerably extended. Votes should be given to the landlords of persons not holding leases, who would not have votes themselves. Again, the 193d section contained a provision, the object of which he confessed he did not understand. It provided, that all tenements in these boroughs should be separately valued. Time, therefore, was required to enable the House to look into that, and see to what purposes the clause might be applied. He would agree entirely to the introduction of provisions which would bring about a perfect valuation. The 6th clause appeared to him to have some particular object in view, as the clause could only apply to the city of Dublin. The clause seemed to point to that particular custom in Dublin which was put forward and established by affidavit in the case known as Hancock's case, in "The King *v.* the Corporation of Dublin." The corporation claimed to have a veto on the freedom of any individual, and a writ of *mandamus* was refused on the ground that the custom was a reasonable custom. There was no other corporation in Ireland to which such a right belonged; and it was therefore perfectly manifest that this clause had been introduced with a particular object in view. He would not detain the House further.

Viscount *Morpeth* was inclined to think, from what had already occurred, that not much time would be gained if they proceeded now to discuss the bill in committee. He was quite ready to conduct their political differences in whatever mode would be most likely to advance the public business, and therefore, if the right hon. and learned Recorder still adhered to the objections which he had raised, perhaps he would allow the House to go into committee now, and take some of the unopposed clauses, postponing those on which considerable discussion was expected to arise, it being understood that the points likely to be discussed should be fully considered beforehand, and that notice should be given, if possible, of the amendments which it was proposed to make. If that arrangement were acceded to, he should hope that no further objection would be made to the Speaker's leaving the chair in order that the House might go into committee at once, and address themselves to the points not in dispute.

Mr. *O'Connell* hoped there would be no preliminary objections previously to their proceeding to business. There was a lawyer in Dublin who undertook to speak during the whole term, and he succeeded, but he had nearly failed towards the end of the term, in consequence of the judges having ceased to interrupt him. When it had been suggested to him to rise to order upon the occasion of the preliminary speech which they had just heard he refused to do so, knowing that it would be a more effectual course of hastening the conclusion not to interrupt the hon. and learned Gentleman.

Sir *G. Sinclair* regretted that when the Government determined to postpone other measures, they had not included this amongst the number. He was sorry to find that this measure had not been given up, for he considered it to be a measure calculated to inflict great injury on the Protestant interest in Ireland. As there seemed to be an understanding at both sides to allow the Bill to go into committee without further discussion, he would not interrupt that understanding by stating his objections now. However, on bringing up the report he would be prepared to state at length the reasons why he opposed this bill, and why he felt bound to resist it with increased hostility as a measure which he considered fatal to the interests of the Protestants of Ireland.

House in Committee. Several clauses were agreed to.

House resumed.

Committe to sit again.

SHANNON NAVIGATION.] The *Chancellor of the Exchequer* moved the second reading of the Shannon Navigation Bill.

Mr. *John Ellis* objected to proceeding further with this bill at present. He entertained strong objections to many of its provisions. He objected to the extensive powers given to the three commissioners appointed under the bill, particularly with respect to the appointment of a number of officers at considerable salaries. He thought that the duties of these commissioners could be very well performed by the Board of Public Works in Ireland. He also objected to the provisions of the bill with respect to making the awards final; and he considered the clauses with respect to grand juries far too stringent. There were many other objections which he entertained to the details of the bill, but which could be more properly stated in Committee.

The *Chancellor of the Exchequer* was glad that the hon. Member had given him the opportunity of going into an explanation with respect to this bill. Some of the objections which the hon. Gentleman entertained were objections of principle. Now, with respect to the increase of official patronage, the hon. Member was mistaken. The first proposition which he had made was, that the provisions of this bill should be carried into effect under the direction of the Board of Works. In a communication which he had had with General Burgoyne who was at the head of the Board of Works, that gentleman had stated his willingness to undertake any duties which he felt he could perform, and to discharge those duties to the best of his ability, without additional pay. A similar answer had been given by Mr. Griffiths; but both these gentlemen stated, that it would be necessary that they should be assisted by a paid officer in carrying into effect the provisions of the bill, and they suggested to the Treasury the appointment of Capt. James, of the Royal Engineers' for that purpose. So that these three individuals would form the commission to carry the bill into effect. With respect to the awards, he thought it would be most inconvenient to re-open these cases, as these awards had been made with great care, and after full examination. With respect to the stringency of the clauses connected with grand juries, he thought that no valid objection could be made on that ground. He felt bound to see that there was such security that the money advanced by Parliament for public works in Ireland should be repaid, and if he was forced to abandon those clauses he would give up the bill.

Mr. *Lucas* did not object to the stringent provisions of the bill. He hoped that the Chancellor of the Exchequer would enforce the payment of the loans to Ireland, for he would then do a service to the country, inasmuch as without a proper understanding on this subject public credit must be injured, and the difficulty of getting capital into Ireland increased. What was intended to be a loan should be so called when asked for, and the payment of it should be insisted upon; but where there was no prospect of repayment, it would be much better to call it a grant at once.

Mr. *O'Connell* said, that gratuitous commissioners were generally very bad commissioners. The gentlemen whom the right hon. Gentleman had mentioned were in the receipt of very good salaries, and they would do this duty for those salaries. He hoped that the question of compensation would not be opened in Committee—that no discussion would take place as to whether too much or too little had been given. He knew one instance in which the claim was for 30,000*l.*, and the award was made for 5,000*l.* only. He had not brought the case before the House, but he had advised the parties to submit rather than to re-open the case. He thought the provisions of the bill, with regard to the repayment of loans, could not be too stringent. He must tell those who thought that Ireland borrowed money and never paid it, that not one shilling was ever raised on the county-rates of Ireland by a general Act of Parliament but had been repaid, and that with interest at the rate of 5 per cent. When he heard men talk of a matter of bounty, and that the English Members of that House were ready to advance money as a bounty, he must say, that he did not think it any bounty at all, but a severe burden upon Ireland, seeing that 5 per cent. must be paid for money raised at 3½ per cent. He challenged any hon. Gentleman to produce a case where the borrowed money had not been repaid to the last farthing.

Mr. *Shaw* considered it a great national object, as much to the credit of England as to the advantage of Ireland, that English credit should be made instrumental in promoting Irish objects, and on the other hand there should be a full assurance of repayment. He quite agreed with his hon. Friend behind him, that there was a general impression, and he could not help thinking with the hon. and learned Member for Dublin, that it was an unjust one, that money lent to Ireland was not repaid. There was no instance, he believed, of money being fairly lent without being repai d It was quite useless to refer to loans to the clergy, because every one knew that they were made under circumstances which precluded all just expectation of repayment. He believed that if it had not been for this impression, money would have been promptly advanced for railways in Ireland.

Mr. *Hume* thought himself bound to support the Chancellor of the Exchequer upon Irish grounds. No doubt the money would be repaid, and had it not been for the mistaken notion which prevailed, the Government would not have been obliged to give up the greatest national work ever undertaken for Ireland—the railways. It was for the benefit of both countries, that the credit of England should be lent to promote public works in Ireland, and he hoped the Government would not fail to introduce the railway scheme early next Session. The inquiry which the Government undertook in Ireland did them great credit. In England twenty-nine millions had been paid, and twelve more were owing for railroads—had such an inquiry taken place here, many millions would have been saved, and the railroads made much more convenient. The Chancellor of the Exchequer could not be too particular in taking powers for enforcing the repayment of the money, as it would do benefit both to England and Ireland, in doing away with the prejudice at present existing against lending money for public works.

Mr. Sergeant *Jackson* said, he felt very much the vast importance of the Shannon navigation to Ireland and to this country, and also of railroads. He was not aware whether the right hon. Gentleman was aware of it, but there was an impression abroad, that the Shannon Navigation Bill was a job, and that the right hon. Gentleman had nothing but a job in view. He was glad to hear, however, from the right hon. Gentleman his declaration, that he did not mean to pay any other commissioner than the one who must necessarily be very much employed in the work, and that the bill was not got up for the purpose of creating patronage for the Government. As he had opposed the plan for railroads in Ireland, he thought it right to say, that upon hearing the subsequent statement of the noble Lord, the Secretary for Ireland, the objections he had entertained were entirely removed by what he understood to be the view of the noble Lord. He, therefore, could not but express a hope, that the Government would press forward their amended project early next Session, when he trusted they would receive general support.

Mr. *S. O'Brien* trusted, that the noble Lord, the Secretary for Ireland, would not even now finally abandon his railway scheme, but would take the sense of the House upon it; if so, he was sure the noble Lord would now carry it by a large majority. With respect to the bill before the House, it had his cordial support.

Viscount *Morpeth* would not now enter into the merits of the railway question; he only hoped his right hon. Friend would be more successful in his scheme of water carriage than he (Lord Morpeth) had been in that of land carriage. He had involuntarily been compelled to abandon it, and he could only say, that if he had been allowed to prosecute the measure, he was sure he could have satisfied the hon. and learned Member for Bandon, that any notion of patronage was as unfounded in that instance as it had been proved to be unfounded with respect to the bill in the hands of his right hon. Friend.

Mr. *Wyse* expressed his regret, that the Irish Railway Bill had been given up almost without consideration, and he trusted, if the noble Lord did not renew the question, some hon. Member on one side of the House or the other would do so, and thus afford an opportunity not only of discussing the merits of the measure, but of clearing the Irish people from the aspersions which had been cast upon them. He concurred with the hon. Member for Kilkenny, in thinking, that if the plan of the noble Lord had been acted on in England, large sums might have been saved in the construction of railways—the monopolies by which he feared the country would, ere long, be embarrassed, would not have been created, and the public might have secured those profits which now went into the hands of private individuals.

Mr. *Warburton* said, he should have been glad if the Government had not abandoned their scheme with reference to Irish railways, if it had only been for the purpose of affording a comparison between railroads constructed by the Government and those undertaken by private individuals, and of thus ascertaining which was most calculated to promote the public interests. With this view, he hoped early next Session the Government would renew their scheme.

Mr. *Sheil*, in reference to the provisions in the bill before the House on the subject of awards and compensation, said, that although there might be no suspicion of bias in the commissioners, who, without the intervention of juries, were to make the awards, still, as they might be wrong in one case out of a hundred, he thought there ought to be an appeal allowed.

Bill read a second time.

Public Works (Ireland).] House in Committee on the Public Works (Ireland) Bill.

The *Chancellor of the Exchequer* said, his present object was to move a resolution on which to found a clause, to make an application of a sum of 50,000*l.*, voted last year, for the purposes specified in the Acts 1 and 2 William 4th, and the 1st of Victoria. The right hon. Gentleman moved a resolution to that effect.

Mr. *Hume* inquired how much of the 50,000*l.* remained to be appropriated.

The *Chancellor of the Exchequer* said, the original sum voted was applicable to the purposes of both the statutes he had alluded to, but that this sum of 50,000*l.* had been limited to the purposes of the first of those statutes. The object now was to appropriate it to both. He was not at present able to state whether any portion had been appropriated. Speaking from recollection, he should say none; but in a future stage of the bill he would be prepared to answer the question.

Mr. *Lucas* did not expect this question would have been brought forward to-night, and, therefore, could not be blamed if he was very much astray as to the purport of the returns on this subject which had been furnished to the House. He had, however, a very strong recollection that these monies had been lent by the Government in every possible variety as to the mode of loan. There had in some cases been grants, in others loans, in proportion to the amount of tithe commutation; and without being prepared to state what ought to be done in such matters, he thought he had a right to suggest that there ought to be some more fixed principle in these transactions.

Captain *Boldero* said, he saw three money bills on the orders of the day for Ireland, exclusive of the project for advancing money for railways, the report on which had been withdrawn. He wished to ask the Chancellor of the Exchequer how much money he intended to advance for Ireland this year in the shape of loans and grants, and how much he intended to give for England.

The *Chancellor of the Exchequer* was glad the hon. Member had asked the question. The hon. Gentleman had asked the question with the view of insinuating that extravagant aid was given to Ireland by means of the three bills now in progress. The first bill, the Loan Bill, though it had an alarming sound, and was calculated to produce on the minds of English Members an apprehension of gross inequality of aid as regarded Ireland, was to enable a charitable society to lend sums not exceeding 5*l.* to needy persons, and took nothing from the public purse. The second bill was to have the authority of an Act of Parliament for the appropriation of a sum which had already been granted. And the third bill, the Shannon Navigation Bill, was a subject which had been thrice under the consideration of the House, and was a subject entered upon during the Administration of the Earl of Liverpool, and which had been before Parliament ever since.

Captain *Boldero* never heard a question so neatly avoided in his life. The question he had put was this—what was the sum which was advanced to Ireland by loans and grants, and what the sum advanced to England?

The *Chancellor of the Exchequer* had told the hon. Member that the first bill was a charitable bill, and nothing at all was advanced by it, that by the second nothing was voted; and when he looked at this grant of 50,000*l.*, that it was taken from a sum of 500,000*l.*, of which a sum of 450,000*l.* was appropriated to England, he thought he ought not to complain.

Mr. *S. O'Brien* thought the Irish people were entitled to this meagre grant when the sum of 70,000*l.* had been granted the other day for building up her Majesty's stables at Windsor Castle.

Vote agreed to.—House resumed.

Sugar Duties.] The *Chancellor of the Exchequer* moved the third reading of the Sugar Duties Bill.

Mr. *Ewart* said, the bill had been postponed on a former occasion, when it had been in order, and, as he was not prepared then to enter upon its discussion, he hoped it might be further postponed to another day.

The *Chancellor of the Exchequer* had postponed the bill because the hon. Member (Mr. Ewart) and the hon. Member for the Tower Hamlets were not in their places. He should have brought it on had they been present, and as they were now present, he thought he was entitled to bring it on.

Mr. *Ewart* had only known that it was to be brought on about two hours.

On the question, "that the bill be read a third time,"

Mr. *Ewart* said it was a subject full of statistics, and he was not prepared to go into the question. The object of the motion of which he had given notice, and which he was sorry at that time to bring before the House, was, in the first place, to show to the House the high price to which sugar would probably arrive at in this country; and, in the second place, to call their attention to the great advantages which might result to this country if they would so far modify the laws which protected colonial sugar as to admit the sugar which was the produce of free labour, as distinguished from sugar which was the produce of slavery. The House might probably be aware that petitions had been presented to that House from the large commercial communities of Liverpool, Glasgow, and other places, in favour of that reduction. Our exports to the Brazils were of very large amount, and our imports thence were very limited. The objection of the friends of humanity to the admission of the sugar of the Brazils was, that it was the produce of slave labour. He confessed he was so far of their opinion. He wished to reduce the duties on sugar, cocoa, coffee, and other articles of tropical production in those countries where they were produced by free labour in contradistinction to slave-labour production. He would draw attention to the enormous price which the people of this country were obliged to pay for sugar in the shape of sugar duties and protection of colonial sugar. He dared to say, that many hon. Gentlemen in that House were aware that the difference of price between colonial sugar and foreign sugar was full 18*s.* per cwt. By the last returns, the average price of British plantation sugar was, 41*s.* 2¼*d.* exclusive of the duty of 24*s.*, while good Manilla sugar was selling at 23*s.* 6*d.* per cwt., a difference of no less than 76 per cent. He thought that the people of this country ought not to be called upon to pay the large sum which they did in the protective tax on sugar, considering the large amount of 20,000,000*l.* which they had paid, and he thought properly paid, four years ago, in compensation to the planters. It had struck him as not being disadvantageous to institute a comparison between the consumption of sugar in these countries and the consumption of those articles with which sugar was generally used, such as tea, coffee, and cocoa; and the result of his inquiries was to show, that while the consumption of those articles had considerably increased, that of sugar, instead of proportionally increasing, had absolutely retrograded. The consumption of cocoa had increased very considerably, that of tea appeared to be much less on the increase. From authentic documents to which he had had access, it appeared that, in 1801, the consumption of tea was 1lb. 8oz. for each individual in the country. In the present year, it did not amount to more than 1lb. 5oz. for each individual. In 1801, there was not more than 1oz., upon the average, of coffee consumed by each individual. In 1811, the average was 8oz.; in 1821, about the same; while, in 1831, it had arisen to about 1lb. 5oz.; and, in 1838, it was 1lb. 6oz. He would now turn to sugar, which presented a much less favourable appearance. Each individual consumed, in 1801, about 30lb; in 1811, about the same; and, in consequence of the increase of the duty, the average amount consumed by each individual had decreased to 19lb. These results appeared still more remarkable in the case of Ireland. The saying of Mr. Huskisson, in 1829, was still strictly true—that above one-third of the inhabitants of this country could not have sugar with their coffee. The sugar refiners had long been aware of the very inadequate demand for their goods. It was true, that they had derived some advantage from the introduction of East India sugar; it was, however, but limited in its extent. The Drawback Bill of last year was a good bill as far as it went, and the equalization of the duties payable on East and West India sugar was also beneficial in its operation. He desired, however, to see the same advantage extended through all those portions of the East Indies, which, though not nominally British possessions, were such in reality. He was anxious that the sugar trade should be open to every country besides where sugar was the produce of free labour. He was anxious to see the gates of commerce thrown wide open, and invidious distinctions put an end to. Thirty years ago the cultivation of sugar was unknown in Siam. In 1821 the produce was only one-tenth of what it was now. Siam was capable of producing sugar to the extent of 15,000 tons annually, and all the produce of free labour. The export of sugar from Java had, of late years, very considerably increased, and he was not making the calculation too low, when he stated, that that island would be capable of supplying sugar to the extent of 20,000 tons per annum, all the produce of free Javanese or Chinese labour. China could export 6,000 tons, and Cochin China 1,000 tons. The total amount of sugar, the produce of free labour, which this country could command, would be very considerable. He looked forward to the day when sugar would also be imported from the coast of Africa, and when free labour might be universally substituted for the odious bonds of slavery. He believed that that infamous traffic was not to be put down by armed vessels, but by commerce. The hon. Gentleman concluded by moving, "that sugar, the produce of free labour, be imported into this country upon payment of the same rate of duty which is charged upon sugar the produce of the British colonies."

The *Chancellor of the Exchequer* was aware, that his hon. Friend, the Member for Wigan, had taken this opportunity of introducing the subject of his motion in the discharge of a public duty, rather than for the purpose of interrupting an annual bill which must needs be passed, and though he should answer his hon. Friend but shortly, it was not from any intention of offering the smallest disrespect to him. The suggestions which his hon. Friend had made were by no means to be considered so trivial as to be undeserving of remark. The subject, however, involved many more considerations than those to which his hon. Friend had referred. To moot it was to open the whole question of our colonial policy; and it was not just to argue as his hon. Friend had done with respect to sugar, without considering as well the whole obligations which we were under to our colonies as the obligations which those colonies were under with respect to us. For one, he was not prepared to say, that the possession of our colonies was so much a matter of indifference, that we did prudently to take any one branch of our colonial commerce and discuss it, as his hon. Friend had done, in reference only to the question of supply and demand. However, he was glad to hear that the steps which had been taken by Government for the extension of trade, and the facilitating supply had met with approbation. His hon. Friend had said, that the people of this country looked back with repentance on the grant of 20,000,000*l*. sterling to the West Indian proprietors. He did not think it was so. But he believed the people of this country would be very ready to look back with repentance on that step, if they thought that the planters failed in the duties arising out of their part of the contract. At present, however, he did not believe, that the people of England repented of having earned that distinguishing mark which separated them, as regarded humanity, from the nations of the earth. Nor did he think that the course recommended by his hon. Friend would, if adopted, fulfil his hon. Friend's expectations, in inducing foreign countries to follow our example in putting an end to slavery in their dominions. He would make no more than this single remark, that whenever the supply from our colonies should fall below the demand of the country, it would be incumbent upon the Government to consider the whole subject.

Mr. *Clay* said, the whole of the sugar refiners in the metropolis were interested in this question. The sugar refiners of England possessed advantages over those of the Continent because they could not only export their own manufactures but they could even taken away from the home consumer for that purpose. He agreed in the policy of removing the premiums on the exportation of refined sugar, and approved of the measure that was introduced on the subject last year; but he believed, that the result was, that only about one half of the bounty had been taken off, and that there was still a concealed bounty equivalent to a premium of six shillings a hundred weight. The fact was that the quantity of sugar produced in our colonies did not afford a sufficient supply for home consumption, and the people of England were at present paying a monopoly price for that article. Thus the contingency had arisen in which the Chancellor of the Exchequer said, that the whole question must receive the attention of the House and the Government, and when it would be necessary to come to some determination. He could not help remarking, on the subject of the produce of slave countries, that it was a most extraordinary thing that, without one word of remonstrance from the opponents of slave-grown produce, they took upwards of 400,000,000lbs. of slave-grown cotton every year, as well as an enormous amount of slave-grown tobacco, while the utmost outcry was raised against their receiving either sugar or coffee from slave countries. He contended that they were bound to give the advantage to the people of England of using such sugar and coffee as they could get at less than a monopoly price. He supported the motion of his hon. Friend, because he thought that it was clear that the supply of colonial sugar and coffee was not sufficient for the consumption of this country; and secondly, because the colonies should not enjoy a monopoly in the home market against free grown sugar.

Mr. *Poulett Thomson* considered the subject as one of very great importance, and deserving the most serious attention. Before, however, he went into the general qustion, he must observe that his hon. Friend who spoke last was misinformed, in stating that there was at present a bounty on refined sugar, equivalent to six shillings per hundred weight. The return on which he had proceeded when he introduced his bill on the subject, was taken in such a manner as to ensure the most exact amount, and care had been taken to prevent anything being given in the shape of bounty. This calculation was also made before there was anything like a short supply of sugar in the market, and they had also taken the prices of sugar in foreign markets, as well as the price of East India sugar, so that the utmost care was taken to prevent a drawback being given in the shape of a bounty. There was an advantage, however, which the West Indians enjoyed from having their sugar refined in this country, which could hardly be designated a bounty, namely, that they obtained a higher price for the treacle which was obtained from the sugar in undergoing the process of refining than they could get in a foreign country. This was the advantage that they got from having their sugar refined here rather than elsewhere; but there was no bounty paid. Considerable delusion prevailed in this country on the subject of slave-grown produce, as contradistinguished from free-grown produce. He trusted that the country would not adopt the notion that they could separate in their commerce with foreign nations free-grown produce from slave-produce. He protested against the comparison which had been made by his hon. Friend respecting the slave-grown cotton from the United States. It was utterly delusive to talk of the consumption of that article in this country, as if it could get sufficient cotton, the produce of free labour, from other places. His hon. Friend said, "how strange it is that you listen to the outcry against taking slave-grown sugar, while you take slave-grown cotton to the amount of millions annually, and slave-grown tobacco, from which you get 3,000,000*l* sterling a year in the shape of duties." For his own part he most cordially wished that slavery everywhere was at an end. But what was the system of policy which this country had been going upon in her commercial treaties with almost all foreign countries for a great number of years past? We had entered into treaties putting these countries on the footing of the most favoured nations, on certain equivalent advantages being given to our commerce. Supposing they adopted the proposition of the hon. Member for Wigan, what would the United States do? They would come forward with the treaty in their hands, and would say that the produce of that country must be put upon exactly the same footing as the sugar and coffee produce in Siam, Java, or Hayti, or they would say that you did not put them on the footing of the most favoured nations, and therefore you violated your engagements with them. The Brazils, also, would hold up your treaty in your face, and would say "that our produce is our produce, and you have no right to inquire whether it is the result of the labour of one man or of another man; but take it you must, or be guilty of a breach of faith according to your treaty." This country has entered into several of these treaties with foreign nations, and Acts of Parliament have been passed concerning them, and placing the produce of those nations upon the footing he had described; and they would one and all say that by taking such a step as that involved in the proposition of his hon. Friend you not only broke faith with them, but you also interfered with the domestic relations of their country. With reference to the importance of the question, as a general question, he did not for a moment deny it. He admitted that it was a matter of very great importance, and was one which would be forced upon the attention of Parliament and of the country within a very short period. In the first place, this was a matter which would force itself upon the attention of the Government as connected with the treaty with the Brazils. The present treaty was only of a temporary character, and would expire in 1842, and if we entered into fresh relations with that important State, this subject must necessarily be considered. The exports to that country were upwards of 4,000,000*l.* a-year of British manufactures. This was the most important trade that we carried on with any part of the world, with the exception of the United States of America. The produce of the Brazils were almost entirely confined to sugar and coffee, and when we came to the period when the treaty was about to expire, this subject must force itself upon the attention of the House. The other branch of the subject would also receive a matter of deep importance and consideration, namely, the short supply of colonial sugar. Up to last year, the produce of our West-India colonies was considerably more than sufficient for the supply of this country. Practically, therefore, the West-India colonists enjoyed no monopoly, though apparently and nominally they did so. Since that period, there had been a considerable falling off in the produce of our colonies. Again—the growing population of this country required a larger supply of colonial produce, and there was this deficient supply of the West-Indies to meet this demand; and within a short time it would be necessary to pay an extraordinary price, when what was formerly an apparent monopoly, would be felt as a real monopoly. But at the present moment, this was the case with respect to coffee. The duty on coffee had been reduced nine years ago by Mr. Huskisson, and at a more recent period by himself. Coffee was most extensively consumed in this country; and notwithstanding the lowness of the duty a much higher price was paid for it here than on the continent. The produce consumed here was almost entirely colonial, and, therefore, with the high price, it was obvious that a real monopoly existed. The Government was deeply impressed with this important subject, and it was obvious that great attention must be paid to this point, as well as to the other subjects to which he had adverted. It was important that they should look at this question—that they should regard the different interests that would be involved, by blinking the consideration of it even for a time; but he was satisfied that it must be forced on the attention of the Government and the Legislature, if not by the wants of the people of this country, at any rate by the treaty with the Brazils; and he trusted that it would be met fairly, and the difficulty dealt with in the way that a matter of such importance deserved, when it was ripe for consideration.

Mr. *Hume* had heard, with great satisfaction, the statement of the right hon. Gentleman, and trusted that the matter would not be unnecessarily postponed. At the present time there were only two-thirds of the average supply of colonial produce from the West Indies, and the people of England were called upon to pay the same amount as if they had a full supply. Therefore it would be most absurd to put off the consideration of the question till 1842. He admitted that he could not draw that distinction which had been made by his hon. Friend, the Member for Wigan, between slave produce and free produce, and he thought it would be inexpedient to make such a distinction in our commercial relations. It was obvious, however, that the subject must be taken up next year by her Majesty's Government. It was clear, therefore, that his hon. Friend would not gain anything by going to a division. For that reason, he trusted he would not press his motion.

Mr. *Hodgson Hinde* was fully aware of the importance of the subject, and was glad it had been brought under the attention of the House. But he was sure, that neither his constituents, nor the country at large, would be satisfied with drawing a distinction between sugar and cotton, the produce of slave countries or not.

Mr. *Thornely* trusted that the subject would not be pressed upon the present occasion, for he was satisfied, after this discussion, that the whole question must come under the consideration of Parliament in a better form next year. With the existing treaties with foreign countries, and with the Acts of Parliament, confirming those treaties; any Brazilian importer of sugar could go to the customs, and compel the officers to take the same duty on that produce as on sugar, the production of free labour, supposing this proposition of his hon. Friend to be adopted. In Java and Hayti, the price of the best coffee, at the present moment, was from 4*d.* to 5*d.* a pound—the duty on it was 6*d.* a a pound. It was sold in this country at from 2*s.* to 3*s.* a pound, or even upwards. It was obvious, therefore, that the price was so high in consequence of the monopoly given to the West-Indies. The taxes of this country were of a very great amount, and very burthensome; but they did not add so much to the increased price of articles of consumption, as the keeping up of these monopolies. The proposition his hon. Friend had made, was only a half measure, as he was satisfied that the distinction between free and slave produce, could not be kept up for any length of time. His right hon. Friend, the Chancellor of the Exchequer said, that he did not look for any speedy termination of slavery in the United States. He confessed that he did, and he believed that there was a very large and powerful party in that country, who were most zealous and anxious to carry it into effect, and a most distinguished writer in that country, whom he was proud and happy to call his friend, namely, Dr. Channing, had lent his powerful assistance to the furtherance of this object.

Mr. *M. Philips* thought that it was the duty of the House to take all the steps in its power to lower the price of cotton and sugar in this country, which were necessaries of life. A most valuable trade was going on with the Brazils, and he trusted that every step would be taken to afford every encouragement to it.

Mr. *Ewart* would not press his motion.

Bill read a third time and passed.

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HOUSE OF LORDS,

Monday, July 1, 1839.

MINUTES.] Bills. The Royal Assent was given to the following Bills:—Bishops Residences; and a great number of Private Bills.—Read a first time:—Sugar Duties; Electors Removal; Bankrupts Estates (Scotland); Borough Watch Rates.—Read a third time:—Common Pleas Regulation.

Petitions presented. By the Duke of Argyle, Earls Fitzwilliam, Rosebery, Radnor, and Harewood, and a number of other noble Lords, from a great number of places, for a Uniform Penny Postage.—By Earl Fitzwilliam, from St. Ives, against entrusting the system of National Education to any particular Sect.

GOVERNMENT OF JAMAICA — SECOND MEASURE.] The Marquess of *Normanby* having presented to the House copies of all Acts of the Jamaica Legislature which had expired in October last, proceeded to move the second reading of the Jamaica Bill. He said, that during the short time that he had had the honour of holding a seat in their Lordships' House, he had frequently felt, when called upon to address them, the peculiar disadvantages under which he laboured in having been so long a period—almost all the time that he had been a Member of that House—absent abroad in the discharge of other public duties besides those which he would have been called upon to perform as a Peer, in his place, in Parliament. This circumstance had created difficulties which had proved exceedingly embarrassing on his being called upon to press any measure upon their Lordships' attention; but his necessary absence had produced effects equally troublesome, in consequence of his labouring under the want of that information which alone would be obtained by listening to the discussions which took place in their Lordships' House. It so happened, that he had never been present in that House at any previous discussion of that description; but, at the same time, he might claim for himself some countervailing advantage. He meant in his possessing some local experience of the island, the circumstances of which were now under discussion, and in his having had some opportunity of studying the negro character, and of examining the state of society there, and it was from that experience that he was now induced, with the earnestness of conviction, to endeavour to impress upon their Lordships the importance of the decision to which they were this night to come. His opinion had been confirmed by intelligence which he had received this morning, for he found that the bill which had been before their Lordships, but was now no longer in agitation had been received in the island of Jamaica, by all the popular party, by all the newly-emancipated negroes, as the greatest possible boon that could be conferred upon them. It was viewed by them as giving them the security of protection until they should be able to protect themselves; and he most sincerely apprehended, that if their Lordships now rejected this measure or mutilated its provisions, to which the negro looked as the ground-work on which impartial protection would be afforded to him, the impression of his mind would be that all parliamentary protection was withdrawn from him. It was his duty to endeavour, so far as he was able, to do away with that impression, but he very much feared, from all the information he had received, that it would still remain if their Lordships' decision should not be such as the negro should desire. Their Lordships were told the other night, that the kindly feelings which existed between the newly-emancipated population, and the House of Assembly ought not to be interrupted by the adoption of this measure; but although false views of the state of society might be urged for the sake of the influence they might gain there, he should not be candid if he did not say that those kindly feelings did never exist. He sincerely trusted the change that had recently taken place would amalgamate all classes, and that the House of Assembly and the free population would forget past differences and by-gone distinctions; but that event was only to be attained by a complete change in the conduct of the House of Assembly, and by such a course being pursued as had not been adopted since the Emancipation Act. Their Lordships had had the advantage of hearing, at their bar, the agent of that colony; they, therefore, had before them all that the greatest talent and experience, and certainly the most earnest zeal could urge on behalf of the Assembly of Jamaica against the bill. A considerable number of their Lordships had listened to the address which had been made to them, and had gave to it earnest attention. He regretted that much of their Lordships' time had been consumed on that occasion by considerations with which they had nothing to do with the present question. They had been informed of a former quarrel with Governor Littleton and the House of Assembly—they had heard of the resistance to the examination of General Carmichael before a Committee of that House, and a trivial mistake made by his noble successor in the Government, and their Lordships were told of the rights of the House of Assembly and of the reparation to which they were entitled. Why, were there ever two things more unlike? That was the case of a difference between two local conflicting authorities, but was it an instance in point? Was it to be alleged that the United Parliament of England was to make such reparations to the House of Assembly? Were they to say, "you are right and we are wrong, we acknowledge our error, and we hope you will resume your duty?" The learned counsel was also pleased to state, that this measure must have originated in a general wish and desire for change. He sincerely hoped that every thing in the island of Jamaica would be changed, for if things remained as they were, Jamaica would not be what it was the wish of the British Parliament and of the British people it should be. He considered that the change proposed to be made was the safest, the best, and the most praiseworthy change of all that had been effected in this age of progressive amelioration. They had been told of the respect that ought to be paid to the established institutions there. Why, could they forget that slavery was an established institution?—that it was a plague spot on every other institution, and that wherever it touched it left its contaminating influence? Every institution there should be examined and changed to get rid of that plague spot, and of that contamination. The learned gentleman had thrown a considerable portion of blame on her Majesty's Government, and had employed much vituperation as to the course which it had pursued, both before and after this measure had been proposed. He had, however, passed over but lightly another culprit—he had evaded remarking upon the part which that other culprit had sustained in this transaction. It was in the presence of that culprit that he now stood. It was their Lordships, who were above all answerable for the state of things that had introduced the division between the Assembly of Jamaica and the Imperial Parliament. Their Lordships had adopted the measure that gave offence. They had not adopted it at the suggestion of the other House of Parliament, but it had originated with their Lordships, and it was to them that the learned gentleman should have addressed himself. They certainly could not evade all responsibility by any suggestion of the measure having been passed without due consideration, for although certainly it had not undergone much discussion, yet he believed that they were sincere in their conviction and belief, that the measure which they had passed was necessary to remedy the state of things then existing in the colony of Jamaica. But if they were to set aside the question of reparation, that brought him to the real question before the House, and that was, were they or were they not justified in passing the Prisons Bill? He candidly avowed that he did not consider that the measure which he was now proposing was the best remedy that could be applied; and he owned that he thought it would have been better to refer to the despatches of the 13th February, which were received before he was a Member of the Government; but he had adopted this measure, conceiving it to be necessary for the existing state of things in Jamaica, for he thought that it was necessary for carrying out the great change which society was undergoing. He had, on former occasions, pointed out the impossibility of carrying out the great measure of emancipation in Jamaica through the medium of machinery intended for another state of things and for a totally different purpose. The opinion he had entertained of the necessity for a temporary suspension of the state of things then existing in Jamaica, he had formed while residing there, and he had communicated it to the noble Lord, the then Colonial Secretary, shortly after his return. He did not press it at the time, and although he saw that there would be some difficulty in acting upon it, he never entertained any doubt as to its being the best course which could be adopted. He was surprised at the expressions which had been used by the learned gentleman at the bar of that House a few nights since. Was it not, in point of fact, a mockery to talk of depriving the people of Jamaica of their elective rights, when the House of Assembly represented neither the population nor the property of the island? Was it not a mockery to talk of the benefit of free Government when the representation was in the hands of those who had no share in the interests of the great mass of the population? Such were his feelings with regard to the inefficiency of that engine for carrying out the most mighty and the most delicate change which had ever taken place in the framework of any society; and he conceived that there was no choice left them but to pass the present measure, the House of Assembly not having returned to what he considered their duty. They must provide means to establish the proper machinery of government which would be necessary to support the relations between masters and servants, and to establish laws to which the servant might look with confidence, and from which the master should sustain no injury. Making every allowance for the statements of an advocate who was naturally disposed, when addressing an assembly not very well acquainted with the details of the measure to make the best of his own case, he had been really surprised to hear the learned gentleman who had appeared before their Lordships' House state that from the year 1832, the House of Assembly had always shown its willingness to attend to the subject of the prisons. He had had some experience himself on that subject in the autumn of 1832, and he had, at that time, made some remarks upon the state of the workhouses and of Kingston gaol, which showed that abuses of the most horrid and revolting nature existed. With regard to Kingston gaol, there was one great objection, which applied to the system which prevailed there of confining the felons with the slaves in custody for debts due to their masters. He had communicated the circumstance to many members of the House of Assembly, who all admitted the evil, and promised to remedy it; but, as in many cases, although they expressed their own unqualified opinion when separate, when they were collected together, they completely disregarded what they had said. He held in his hand an extract from a despatch of the 16th December, 1832, and in stating on that occasion what were the duties of the House of Assembly, and what they had not done, he particularly alluded to the state of the prisons, pointing out their refusal to refer to a committee the proposal which had been made to them, for substituting a treadmill for the ordinary mode of punishment in the gaol at Kingston. That was the state of the gaols and workhouses in 1832, and in the following year, he again endeavoured to persuade all those individuals who he thought possessed influence in the House of Assembly to remedy some of those vile evils which existed, but with no better success.

"On the 12th of April, 1835, the Governor reported the cases of two female apprentices who had been flogged in the Kingston workhouse, and on the 7th July, 1835, that the Gaol Act of 1834 authorises the common council, or five magistrates in session, to pass rules, saying 'they have passed rules authorising the supervisors of workhouses to inflict corporal punishment on all persons, not even excluding females; they have also adopted the custom of cutting off the hair of all females who are sent into the houses of correction for confinement or punishment. They have, in some instances put untried people to hard labour, and cut off their hair."

On the 29th August, 1835, Lord Glenelg, in reply, adverted to the indecorum and injustice of scourging, or cutting the hair off women for any imputed or real misconduct. The governor was instructed to apply to the Assembly to amend the act; and it was added, that if such practices should be continued under the sanction of any colonial enactment, the government would feel it their duty to apply to Parliament. On the 17th of November, 1835, Lord Sligo, in obedience to these instructions, sent a message to the Assembly, suggesting important amendments in the Gaol Act, and calling especial attention to the fact that women were flogged on the treadmill. This message was referred to a special committee, but no amended bill was passed. On the 5th of March, 1836, the Governor reported the result of inquiry into transactions at the St. Andrew's workhouse, and he said:—

> "It proves that I have not lightly made the charge of the corporal punishment of females being still, in spite of all my efforts, administered in the different workhouses of this island."

He (the Marquess of Normanby) had had an opportunity himself of observing the disgraceful extent to which corporal punishment was carried. Accompanied by two of his suite, he had gone unexpectedly to examine into the system pursued, and the punishment that he saw inflicted upon women was of such a nature, that the officers who were with him some days afterwards declared that they had never witnessed any thing to equal it, even by sentence of court-martial. He had made application to the directors of the workhouse upon the subject of the officer who had superintended this punishment, but he soon found that it would be impossible to procure his discharge. He was reprimanded, but for any thing he knew to the contrary, he was still in the same situation which he then filled. On the 30th of March, 1836, the Governor referred to the conviction of the supervisor of Trelawney, for flogging Jane Reid, and added:—

> "That the punishing women who would not work at the treadmill, by the cat, had become so general, that, in his opinion, an example should be made."

On the 9th April, 1836, the Governor reported the evidence on the inquest of Louis Beveridge, who died at the treadmill at Morant Bay, after having been tied upon the treadmill with four other females, the verdict being "apoplexy occasioned by excitement." On the 11th June, 1836, Lord Glenelg observed that it appeared from this evidence that in the Morant Bay workhouse:—

> "The women who refused to work at the treadmill were fastened to it by ligatures round the arms for twenty-four successive hours, in such a manner as to endanger the lives of all, and actually to occasion the death of one."

And, in reference to the same workhouse, on the 31st of August, 1836, his Lordship observed that it appeared that,—

> "Out of eleven deaths in that workhouse on which inquests had been held since Jan. 1835, three were confessedly owing to injuries received on the tread-mill, and eight were ascribed to the visitation of God, under which general description it was obvious that many cases may have been included in which the death of the prisoner was not unconnected with the treatment which she had previously undergone."

Repeated acts of cruelty subsequently appeared, and on the 1st of August, 1836, Lord Sligo, in reference to his instructions from home to endeavour to procure a remedy for the deficiencies in the law for preventing cruelties in workhouses, in his answer said: "I again say, advisedly, the remedy must come from home." On the 13th March, 1837, the Governor reported a message, sent by him to the Assembly on the 22nd February, 1837, calling the attention of the Assembly to this subject. This message was referred to a special committee, who reported to the effect that the existing laws were sufficient to prevent abuses, and nothing was done. On the 1st July, 1837, Lord Glenelg said:—

> "I have already had occasion to advert more than once to the abuses alleged to exist in these places (gaols and workhouses), and I have intimated an opinion that unless some remedy should be applied to them, it might be necessary for the stipendiary magistrates to abstain from committing apprentices to the workhouses."

Occasion arose to reiterate these instructions on the 14th October, 1837, and on the 1st of August Lord Glenelg sent out the report of the select committee on the working of the apprenticeship system appointed in May, 1837, in which it was commanded that there should be instituted without delay a strict and searching examination into the state of the workhouses in the West India colonies, and especially into the construction and use of treadmills, &c. On the 27th of October, 1837, a dispatch from the Secretary of State (dated May 21, 1837) was laid before the Assembly reviewing at length the provisions of the Gaol Act of 1834, and urging various alterations and amendments. This message was referred as before to a special committee, and no further proceedings were taken. On the 13th of February, 1838, Lord Glenelg in his dispatch said:—

"I apprised you that it was my intention to address you in a separate despatch on the subject of the requisite measures for the immediate prevention of abuses of a flagrant character in the houses of correction. It would be a great satisfaction to me to learn that a law of this nature were passed by the Colonial Legislature, but should this not be the case, there is no subject which, in my opinion, more imperatively demands the interference of the Imperial Legislature."

On the 21st of February, 1838, the Assembly was again solicited by message to entertain the question of prison discipline, and a further despatch was laid before it with exactly the same result as before—reference to a committee without further proceedings; and, finally, in the month of June, 1838, the Assembly met, but did not entertain the question of prison discipline. He alluded to these cases only, because they had been told by the agent of the House of Assembly, that the Assembly up to 1832 had always shown a disposition to interfere. He had now brought the question to the state in which it was at the meeting of the House of Assembly, and to show the temper in which that House already was, he would allude only to the protest in which they referred to an Act which was universally thought to be necessary, the Act in Aid, a measure which was not now denied by any party in this country to be a proper and fair interference of the British Parliament to carry out the measure of Emancipation. They said expressly,

"It is unreasonable and unnatural that one nation should assume to pass laws to bind another nation, of whose customs, wants, constitution, and physical advantages and disadvantages, she is and must be profoundly ignorant; and whose distance opposes an insurmountable barrier to the attainment of local information."

And then they went on to assert that,

"When lawyers consent to sit in judgment on an Assembly in no respect their inferiors, except in extent and magnitude of power—when they condemn and presume to punish upon charges kept secret from the accused, they cannot be expected to listen to a defence which would convict them either of imbecility and cowardice, if they were urged to the injustice by popular clamour; or of fraud and malice, and a thirst for omnipotent authority, if the injustice were the result of deliberation and design."

Not content with this, they proceed to contend for their own uncontrolled powers;

"We will also," say they, "acknowledge that they can seize by force on the powers which they do not possess in law or reason. There cannot be two legislatures in one state. If the British Parliament were to make laws for Jamaica, it must exercise that prerogative without a partner."

Those were the decorous terms in which the House of Assembly addressed the two branches of the Imperial Legislature. So that the Assembly absolutely placed itself on a level with their Lordships and the other House of Parliament, and declared, that if the Imperial Legislature presumed to interfere on any one point, they would abstain from the due exercise of their duty. Their Lordships' House did not escape.

"The taxation of the colony may, perhaps, be delegated to the House of Lords, into which was first introduced the infamous bill for our destruction; and the first time, for many ages, their Lordships in that bill were permitted to exercise the privilege of laying on British subjects grievous pecuniary penalties. The power of taxing Jamaica may console their Lordships for its deprivation elsewhere."

Such was the language of the House of Assembly previous to the last offence said to be offered it by the passing of the Prisons Bill, and this was what the counsel at the bar had to offer as a proof of the wish of the Members to conciliate this country. With reference to the particular question to be that night decided, he was anxious to show their Lordships, that if they determined to do nothing, that determination would not be effectual. He had not heard that any one of their Lordships intended to move the repeal of the Prisons Bill, and out of the mouths of the Assembly itself it was clearly demonstrated, that no debasement short of the repeal of that Act, would induce it to resume its functions. The Assembly stated, in its first resolution, that the Act of the British Parliament "is a violation of our inherent rights as British subjects;" and, further, "that the same has not, and ought not, to have the force of laws in this island." Thus they not only decided that this Act was a violation of their constitution, but, by this document, they averred, that an Act of Parliament passed by their Lordships, and by the other branch of the Legislature was not law, and ought not to have the force of law in the island. They distinctly declared also, on three separate occasions, that till her Majesty's gracious pleasure was known—and it was clearly shown that nothing, except the repeal of the Prisons Act would satisfy them—until they were informed "whether they were henceforth to be treated as subjects having the power of making laws as hitherto for their own government, or whether they were to be treated as a conquered colony, and governed by Parliamentary legislation"—they would not proceed with their duties. And here he might observe, that in the addresses of both the learned counsel, though they dwelt upon the conciliatory tone that should have pervaded the despatches, yet anything less conciliatory than this address of the House of Assembly, he was at a loss to conceive; and in the speeches of the learned Gentlemen themselves there was a reassertion, though in other terms, of the same doctrines which the House of Assembly had propounded three several times. Therefore it was, that he said, that unless they were prepared to go to that extent which the House of Assembly required, and unless they were prepared to repeal or to forego the Prisons Act, and not to force it as law upon the colony, they would not satisfy the Assembly; and if they did not satisfy the Assembly, they were bound to provide not only for the wants of the public service, which the abrupt termination of its duties by the House of Assembly had produced, but also to do their utmost to supply materials for improved legislation with reference to some points which, if not dealt with at the present time, the laws would come too late to produce that influence on the habits of the negro population which was necessary for the well being of the colony and the mutual interests of all classes therein. The learned counsel had said that there was no urgency for this legislation, but the House of Assembly had distinctly in so many words admitted, in their address to Sir Lionel Smith, that they felt, in common with his Excellency, the necessity for laws regulating vagrancy, the duties between masters and servants, and the regulation of the militia; and, they added, that they were truly alive to these facts, but so long as their rights were violated, so long as their privileges were invaded, they would continue to adhere to their decision. There could not be a more distinct declaration that unless the Imperial Parliament would recal the obnoxious law, and unless there was a promise on the part of their Lordships to offend no more, they could not depend upon a resumption of its duty by the House of Assembly. Then, with regard to contracts, it was admitted at the bar that the present law of contracts was not such a law as the negro could act upon, and it was stated that by the advice of the Baptist missionaries the negroes would not sign written contracts. And why was this? Because the law was such that those who he must say had in this instance done right in judging for those who were not fit to judge for themselves, could not advise the negroes to acquiesce in; in fact, that the present contract law was not such as established equal liabilities between the two parties. Allusion had been made to the influence of the missionaries. When he was in the colony, he knew from personal inquiries something of the relations existing between the negroes and the missionaries. When he went to Jamaica, immediately after the insurrection, he found a very large share of that proceeding unjustly ascribed to the missionaries, but the influence of the missionaries, and particularly the Baptist missionaries, over the negroes was founded on the preparation the missionaries had given to the negroes to look for the great boon which afterwards arrived; the missionaries had assured the negroes, that such was the disposition of the mother country, that the boon could not longer be withheld; they consequently acquired an influence with the negroes, and from everything he had seen, he must declare, that this influence had been exercised beneficially; but he must add, he hoped that when the Government at home should have established a fair tribunal for regulating the relations of master and servant, the missionaries would feel that it was no part of their duty to interfere with the amount of remuneration given, and that they would abstain from all interference with a trust reposed in those who were prepared to exercise it beneficially for all parties. When, however, a distinction was drawn between the treatment of the Baptist missionaries, and those of other denominations, he trusted that this difference did now exist. During the short time he was connected with the colony, there was no such distinction; indeed, one of the most difficult, and one of the most unpleasant acts of his ministry was, to save a Wesleyan missionary in the court-house of St. Anne, when the custos who administered the oath was assaulted by a gentleman of great influence in that part of the country, and a member of the House of Assembly. When it was said, then, that all but the

Baptist missionaries now received good treatment, he hoped that there had been a change in this respect, for not long ago there was an interference, not only with the temporal concerns, but with the spiritual ministration of the missionaries generally. As to the argument on the contract law, he must especially refer to the declaration on the part of the Assembly, which he trusted would go forth to the country, and to the negro, as a point against which they must guard themselves, a declaration that the House of Assembly would not pass any measure giving a decision as to the execution of the contracts to the stipendiary magistrates; and he did hope that the country would pledge itself to the introduction of a power of superintendence on the part of some body as independent as the stipendiary magistrates. The master knew well the purport of his contract; he was well able to protect himself, but their object ought to be the protection of the negro; they ought to act so as to obtain the well-founded confidence of the negro, and there was no chance of procuring so desirable a result so long as they left the power of legislation in the hands of the House of Assembly. Several of the provisions of the contract-law were highly objectionable; it was not necessary for him to enter upon the consideration of those parts of the law, because the House of Assembly had admitted, that the law of contracts required an alteration; otherwise he might have pointed out many sufficient reasons why the negroes hitherto had been unwilling to bind themselves by written contracts. Then they were told that the vagrant law which permitted whipping was repealed; but, in the opinion of the Chief Justice of Jamaica, this was not so; he was the person who had to administer the law in the island, and there were not any means here of correcting his judgments; and unless their Lordships interposed, the act of Charles the 2nd must be considered as practically in force in Jamaica. Again, with respect to the waste lands, all those who knew any thing of Jamaica knew that to the planters this was an unobjectionable measure; he presumed that even the advocates of the planters did not seriously object to it, but they said, "Why pass laws for the benefit of the planters?" He denied that any laws which would amend the habits of the negro would be laws for the planters alone; they would be laws for the negroes also, and, if rightly understood and fairly enforced, they would promote as well the permanent interest of the negroes, as the temporary advantage of the planters. They were told also to take care that in passing laws for the benefit of the planter, they did not deprive the newly-enfranchised negroes of their political rights, and that they did not, by making the House of Assembly refuse the terms of this Act, cause as a necessary consequence the entire abrogation of the constitution. Now he was not sure that when the matter came again before the House of Assembly, they would refuse to act; but when they were told, that if the Assembly did so refuse, they would deprive the newly emancipated negroes of their franchise, he must ask, whether their Lordships were aware, that even if the negroes had freeholds, which very few of them had, but which were necessary to entitle them to vote, it would require fifteen months before they could exercise their right. [Lord *Ellenborough*: Fifteen months, from 1st August last.] But they must be registered, and the number of persons either registered, or in a situation for registration, might be counted easily within the walls of that House. Let the House, too, consider who the parties were who made this appeal. In 1836, an act was passed by the House of Assembly, raising the franchise to 30*l*. a year; and in the last year, the franchise, which had been 10*l*., was increased to 15*l*. or 16*l*. These were the parties who stated, in their memorial to him, that one reason why they objected to the interference with the Jamaica House of Assembly was, that being anxious to protect the rights of the emancipated population of Jamaica, no less than those of the other classes of the community, they objected to the late bill, which would have deprived the emancipated population of those elective franchises, which, from the small value of the qualification, and the facility of its acquisition, might be and were so completely within their reach. With reference to the second clause, and to the expired laws, he held that it was unnecessary to say much to induce their Lordships to adopt the clause. There was no provision in the clause to make it necessary for the governor to revive all the laws; it only enabled the governor in council to revive such as they might deem requisite. It was said, independently of the financial arrangement, that if the object were to revive the taxes, they might do so, but that they could not revive the appropriation; but many important services were provided for annually of exactly the same amount, which might be provided for under the present appropriation. There was also the question of the rules, &c., articles of war, which had been passed slightly over; no one would say, that in such a crisis, and in such a state as this, that the governor should be left without such a power as this act provided. Again, as to the militia laws, Sir Lionel Smith had shown, that by the exhortation of the baptist missionaries to the negroes to obey the laws, those missionaries had stood in the light of a police, but this was not such a security as they would wish the tranquillity of the country to rest upon. Provisions would also be made for the additional pay of the officers, which was not now secured. The Insolvency Debtors' Act had also expired. They were told the other day, that the number of persons in gaol for debt was not great, for creditors would not put their debtors in gaol if they could not get their money; but, by the accounts he had that day received from Jamaica, it appeared that the prisons of the island were crowded with debtors who would have been discharged if the Insolvent Debtors Act had been in force. In proposing the present law, therefore, he intended to give the governor in council sufficient power to provide for some of the laws which were of the utmost importance to the tranquillity and the well-being of the country. Returning once again to the imputation that this law would oppress the negroes and benefit the planters, the manner in which the former Act had been received, the thankfulness which they displayed for the intended protection, induced him to hope that to whatever decision their Lordships might come on this bill, they would qualify the negroes disappointment, and that they would declare their intention to provide that remedy for the evils of the great change which, in his opinion, could not longer be delayed. And as to the intended injury to the negroes, the manner in which they themselves had received the account of the alteration proposed in their behalf was a sufficient answer to the charge. He had had peculiar opportunities of judging of the impressions likely to be made upon the negro mind. Subsequent to the Emancipation Act of 1832, he had spent much time in travelling to every corner of the island to explain that act, with respect to which there was on the negro mind much apprehension. They were told that the law, when it came from England, would not be in force for a considerable interval; it was necessary that this point should be explained, and that their anticipations of happiness should be limited; he had succeeded in convincing the negroes under those circumstances. He had not been able to see the ultimate termination of the system on the 1st of August, but he understood that the negro never showed more willingness to work than he did throughout the whole interval after that announcement, on his part, on the day when the first step in that change came into operation. He had heard that some Jamaica interests were opposed to this bill; he knew that meetings had been held, and that many were opposed to the bill; but when they examined such opinion, they would surely doubt its correctness. Those who knew the constitution of the Assembly of Jamaica, knew that many persons of great weight in the island had declined to become members of the Assembly; it was notorious that the persons now in that Assembly were inferior to those who were formerly members; few actual proprietors were members, and many most respectable attorneys were told by the proprietors that they did not wish them to belong to that body; as a consequence, many influential attorneys refused to become members of the Assembly; and two of those attorneys, who had the management of numerous properties, he (the Marquess of Normanby) appointed to be members of the much-despised council. All, however, were not opposed to the bill; the noble Lord then at the table, whose good conduct towards his negroes had always been remarkable, and who had ever treated them as an English landlord did his labourers, was not opposed to the bill; the opinion of his noble Friend, too, who was not then in his place (the Marquess of Sligo) was entitled to some weight, for he had not only been Governor of Jamaica, but he was the owner of considerable property there; and he did think that other proprietors, who like the noble Earl opposite (the Earl of Harewood) had much property in this country to occupy their time, would find themselves deceived by taking the opinions of others; and he said distinctly, that it was not by confiding to the House of Assembly the exclusive power of making laws in cases of emergency, nor by leaving matters under present circumstances to the decision of that House alone, that the permanent interests of the island could be provided for. He trusted that this subject would upon the present occasion be approached without any spirit of party; he could not say in former attempts in this cause of emancipation that this had been the case. He believed that many parties in another place had been precluded from giving the vote that they would wish. He conjured their Lordships to remember that they were approaching hallowed ground, and must not trample on national humanity; great and enduring interests were at stake; the question they had now to decide was most important; the country had called upon the House of Commons to interpose in the cause of humanity, and the House of Commons called upon their Lordships to provide for the consequences of that interference. The British Parliament had enacted emancipation, and it remained for the British Parliament and the British people to see that it was carried out. He would make no reference to the cost willingly and generously paid for this mighty change; but if they now neglected their duty they would have to deplore benefits which must be sacrificed, and there will be lost the credit of one of the noblest acts ever recorded in the British annals.

The Earl of *Harewood,* after what had fallen from the noble Marquess who had just sat down, must say he extremely regretted that in the critical and delicate position of Jamaica, as the noble Marquess had the power in his hands of official information, he should have appeared in their Lordships' House not so much to have spoken on the material question of the Imperial Parliament acting over the heads of the Assembly, but to have spoken and acted hostilely against the House of Assembly and the institutions of Jamaica, and should have opened his speech with a declaration which he (the Earl of Harewood) thought was very ill-timed, of having received his information from the popular party. If the noble Marquess supposed that there was any person connected with the West Indies who denied the power of Parliament to legislate in certain circumstances, he was completely mistaken, for there was no such denial either on the part of any person or the House of Assembly. On the contrary they had admitted it, and therefore to say it was one of the assertions of the House of Assembly was incorrect. He would, however, say that the discretion of Parliament must be very great in exercising that power, and that they were to consider Jamaica as an independent legislature, with a constitution of its own, and unless they showed that a great emergency had arisen on the point on which they intended to legislate, they were not justified, even as the Imperial Parliament, in interfering. Now the point in the present instance was the Prison Act; but that was not all, for though the Prison Act had occasioned the present crisis, on which this dispute had broken out, a variety of circumstances previous to that had caused an irritation and excitement in the colony, such, for example, as withholding from the colonists every description of information; and even on the Prison Bill itself, when it was brought in by the colonial-office, not a single word was uttered as to the effect of that bill on the constitution of Jamaica. It was brought in, too, at a time of year when only a few Members of either House of Parliament were in town; passed through both Houses without any information on the subject having reached the colony from their agent, it having gone through two stages in the House of Commons before he was aware of it, and the first time it was heard of in Jamaica was its being stuck up on the doors of the House of Assembly. That surely was not the way to treat any person. But with regard to legislation on the subject of prisons, he must say, that the House of Assembly did not refuse to legislate. The noble Marquess had stated, that in 1832 a representation was made to the House of Assembly concerning the state of the prisons, but he had omitted to say that on that subject in 1834 the House of Assembly received the commendation of the then governor of the colony for having taken it into consideration, and also that the present Prisons' Bill contained many of the same provisions as that of the Assembly. Captain Pringle was then sent out to make inquiry, and the House of Assembly stated to the governor that as soon as Captain Pringle had made his report they intended to take up the subject; and, indeed, they had so far taken it up as to have twelve clauses prepared to be proceeded with in the next Session. But before that time Captain Pringle had made his report here, and the Prisons Bill was passed and sent out. With regard to the question of the legislative power, he would put it to their Lordships to consider what would be the operation of the measure upon society in Jamaica, when its effect, and still more its intention, were indirectly to supersede the House of Assembly of the island. If the Government meant to do so, let them say so; but let it not be put into the power of the governor to say that the House of Assembly shall be called upon to do certain acts, and that if they do not, then his own legislative power shall be brought into play to effect them by his authority. He had no doubt—he had not the slightest doubt on earth—that the intention of Government was to do away with the House of Assembly. If it was not, he should like to hear it said by the noble Lords on the opposite side. As to legislation for the colony, he declared that the Imperial Parliament had the right; but if there was a right of this nature in their hands, certainly the occasion of the Emancipation Act would have been the occasion on which of all others that right would have been exerted most strongly; for that was a national concern, and a subject of national interest. The Imperial Parliament might have interfered with propriety on most points connected with that measure; yet they referred to the House of Assembly of Jamaica to pass measures relating to two most important points connected with that act. As to the noble Marquess' observations respecting the popular party in Jamaica, he believed that he was himself substantially a friend of the popular party, and he did not want to take from them the rights to which they had lately succeeded. The shortest way for the Government would be to do away with the House of Assembly at once, if that was their indirect object. At all events, of this he was quite sure, that looking to the present state of the island of Jamaica, it was the duty of Government to proceed with the utmost caution and circumspection. He did not complain, therefore, of any measures of a cautionary character which the Government might have thought proper to put in execution, but what he did complain of was the same as had been complained of elsewhere that the reports which had been made of the state of the island were all on one side; they were not taken with due care; nor were all that had been received communicated to their Lordships; he feared that all the reports of the stipendiary magistrates were not laid on the Table of the House. With regard to the acts enumerated in the second clause of the bill, the noble Marquess admitted that they were of no importance, with the exception of the Police Acts, and the noble Marquess had instructed the governor how to act in the event of the former Act not being passed. But it ought to be observed, that if their Lordships meant to conciliate the people of Jamaica, it would be necessary, out of those seventeen Acts, to exempt from the operation of this law seven, for seven only were money bills strictly speaking, the others not being so; but these seven money bills, if it were their object to declare themselves anything short of hostile to the constitution of Jamaica, they would think it necessary to exempt from this clause, on the ground that they were money bills. For himself, however, he must say, he objected wholly to the measure. He did not think that they were justified in carrying the Prisons Act in the way it had been carried. Still, if that measure had been carried in haste, he was not for begging pardon of the House of Assembly of Jamaica. Not he. But he thought that the Imperial Parliament might possibly have legislated hastily on that occasion, and that nevertheless the hand of conciliation might possibly yet be held out, and that not in a mean or unworthy manner, for he was persuaded it required only the commonest assurances to effect the end they wished. This was the state of the case. In consequence of the passing of the Prisons Act the House of Assembly say, "We cannot go on." What happens? The House of Assembly is prorogued; and it is kept prorogued; from the 3rd of February to the present hour they had remained under prorogation. Not one word in explanation had been allowed them. But he was sure that a common softening down as to the Prisons Act would have done all that was required. But he said that the House of Assembly had not had an opportunity given them of explanation. Sure he was, that if one word of conciliation was offered to them, instead of hostility, they would come to work again as willingly as ever. There was another view of the subject, which appeared not undeserving of their Lordships' consideration. On the first division of the two on this bill there was a very large minority in the House of Commons, who voted against annihilating the power of the House of Assembly. On the second division the majority in favour of the bill was only ten, clearly showing that it was not very acceptable to the House of Commons. But, without referring further to that point, he would merely add, that having mixed himself up with the West-

Indian Proprietors elsewhere, he felt bound to call upon the House to give a decision one way or the other upon this important question, and he should press this, unless it should be proved to him that the money bills were to be omitted from the second clause. As this was not done, he moved that the bill be read a second time that day three months.

The Marquess of *Normanby* said, that in speaking of the popular party in Jamaica, and the intelligence he had received from them, he only meant to refer to intelligence received through the ordinary channels of information.

Lord *Brougham:* as he could not say that nothing ought to be done, would vote for the second reading of the bill. He could not think but that the object of the noble Earl (Harewood) would be as well gained by stating his objections to the clauses in the committee to-morrow. After the able speech of the noble Marquess, he thought it would be better to take the discussion to-morrow. As to the bill itself, he objected to the principle of it, as he objected to the principle of all such bills, whether they were island bills or Canadian Bills In the latter case they would not have had the opposition of the noble Lord, he presumed, for his noble Friend did not oppose the suspension of the Canadian constitution, his noble Friend being only against the suspension of an island constitution, not of a Canadian constitution. If his noble Friend had been a Canadian he would have felt on the late occasion with him, but as he was a Jamaica man, his noble Friend was opposed to this bill. On the whole he thought it would be better to take the discussion to-morrow, particularly as he for one, when he came down to the House that evening, thought it was already so arranged. As their Lordships were obliged to do something, they might as well do it in the Committee, where it could be done with least waste of time.

The Duke of *Wellington:* he could not allow the evening to pass without offering a few remarks to their Lordships. He stood in the singular position of having opposed the Negro Emancipation Bill, which he certainly did endeavour to prevail upon their Lordships not to pass. In fact, he divided the House against it. But from the day that measure was passed into a law to the present, he begged to observe, that Parliament having thought proper to pass that measure, he had agreed to every measure which had been proposed by the Government in order to carry negro emancipation into execution: he had agreed to all those measures, though he confessed with great pain, always protesting against them, and considering them invasions of the constitution of Jamaica. But considering that the Planters of Jamaica had received compensation for emancipating their negroes, and that measures for carrying into execution that provision had been instituted, he considered that they ought to carry the measures necessary for completing the Emancipation Act into execution. He, therefore, had agreed to all those measures, at the same time that he protested against them, and invariably called upon their Lordships to endeavour to settle the affairs of Jamaica with the concurrence of the House of Assembly and the authorities of the island, rather than to take it upon themselves. But he had no recollection of the measure which had been the cause of the existing disagreement between the Governor and the House of Assembly of Jamaica. He certainly did attend very constantly to the proceedings of their Lordships' House, and to the measures which came under consideration, and more especially last year he gave great attention to the measures relating to the West Indies; but he had not the smallest recollection of the Prisons Bill. Probably indeed he was out of town at the time, and if he had been in his place, most probably he should have opposed the bill. But the measure was carried, and having passed Parliament, it appeared to him that the measure was communicated in a very extraordinary, a very unusual, and a not very decorous manner to the House of Assembly of Jamaica. But, however all that might be, he could not think that the House of Assembly was justified in coming to the resolution that it would not perform its duty, and that it would suspend its functions. Under these circumstances he confessed, that notwithstanding the speech of his noble Friend behind him (the Earl of Harewood), he should vote for the second reading of the bill, though he certainly did so very unwillingly. He confessed, that what had given him the greatest doubt on the subject was the speech of the noble Marquess in moving the second reading of the bill. He never had heard a speech of a Minister of the Crown coming down to Parliament to expound the principles of a measure for imposing restrictions upon the constitutional rights of the population of a portion of the British empire, which was so little calculated to conciliate the hearers of it, and so little calculated to conciliate the public, and he declared most solemnly, that the greatest doubt which he felt to the second reading arose from the speech of some of the topics of the noble Marquess. The noble Marquess, almost in so many words, declared his object to be the destruction of the legislature of Jamaica, and the noble Marquess yet entained an opinion, which he also said he had held from an early period, that the most effectual way of protecting the negroes was the destruction of the House of Assembly. But it should be remembered, that if it had been possible, those who brought forward emancipation would have brought it forward by means of the House of Assembly of Jamaica. They regretted they could not do this though to the very last moment they were desirous of it. What his noble Friend had stated was perfectly true —that Parliament had refused last year to put an end to slavery on the 1st of August, 1838. That part of the measure was enacted by the House of Assembly of Jamaica, because Parliament positively refused to adopt it; and yet the noble Marquess came down and told them, notwithstanding that, as he believed, the very last act of the Jamaica Legislature was to pass this enactment for emancipating all negroes in the island on the 1st of August, 1838, that the Jamaica House of Assembly could not be trusted to carry into execution the new regulations which became requisite under the new relations of society in that island, and that the functions of the House ought to be put an end to. Still the very last measure which they had passed was the law emancipating their negroes two years sooner than the period settled by Parliament. He said, therefore, that under these circumstances, showing as they did the injustice of the noble Marquess's remarks and opinions in opposition to this House of Assembly, he doubted the propriety of agreeing to the second reading of this measure. He was one of those who always considered—and he thought their Lordships were of the same opinion, he was sure the Ministers of the day so stated —that it was their duty and their intention to do all they could to preserve and protect property in that island, to protect the civilization of society, and encourage it by every means in their power. Now, he should like to know how property was to be protected, how civilization was to be established? If they were to begin by destroying the House of Assembly, and establishing there a despotism in the person of the governor of the colony, acting with his council, he believed that there would be no safety for liberty, no safety for persons in the state of society which would then exist in Jamaica; he believed that neither liberty nor property would be secure, unless the House of Assembly and its authority were maintained. He knew this, that when he first heard of these intentions of putting down the House of Assembly, according to reports which had been confirmed by the speech of the noble Marquess that evening, it was his firm opinion that the intention existed to withdraw every white from the island. If that were not the intention of her Majesty's Government, then he would say, that those who proposed such measures as these were not in a state of sanity. Property could not exist either there or elsewhere without drawing to it a certain degree of power, and if they destroyed the House of Assembly, they must withdraw the whites. That they might rely upon. He certainly was anxious to vote for the second reading of this bill. He wished it to go into Committee, that it might receive such amendments as might be necessary to render it palatable to the House of Assembly, and at the same time to insure the execution of those measures which were required for carrying on the Government of the colony. He confessed, that when he heard of the misbehaviour of the House of Assembly and their neglect of all their duties, he could not avoid reminding those who spoke in this tone, that the House of Assembly had been in a state of prorogation from February to the present time. The noble Lord opposite now came down to ask their Lordships to visit with vengeance the House of Assembly by authority of the Legislature of this country, but had never even hinted any intention on the part of Ministers to instruct the governor, who was now about to go out, to call the Assembly together. Now, he thought it was the duty of those who were in possession of authority to endeavour to conciliate those who might feel offended, to give them a chance at least of continuing in their functions by treating them with civility and kindness. The noble Lord had done no such thing; on the contrary, his whole speech was made up of violent threats against the House of Assembly, made for no other reason except that the House of Assembly had disapproved of an Act of Parliament passed in usurpation of their own authority and communicated to them in a way in which he did not think any private gentleman would like to have an order from a superior delivered to him. He advised their Lordships to vote for the second reading of this bill; he was sorry his noble Friend had moved that it be read a second time that day three months. He advised their Lordships to go into Committee, that they might consider the various clauses of the measure, and make such amendments as might appear proper, with the view of sending it down to the other House in such a shape as that it might be sent out to the island of Jamaica with some hope and prospect of being effectual.

Lord *Glenelg* wished to guard their Lordships against supposing that the subject of the prisons in the island of Jamaica was one that had recently arisen. The state of the workhouses and prisons of Jamaica had been a constant topic of complaint in the despatches of the Marquess of Sligo and Sir Lionel Smith to the Colonial Office. It had been constantly pressed on the attention of the House of Assembly during the years 1836 and 1837. His noble and learned Friend (Lord Brougham), in a speech delivered by him last Session, had directed their Lordships' attention to the frightful abuses which disgraced the gaols of Jamaica, and had called on Government by every sacred consideration of justice, to put an end to the cruelties perpetrated in those horrid dungeons. He said in reply, that he could not but admit that the time had at length arrived when Parliament must interpose in its strength and majesty to repress practices equally revolting to justice and common humanity. The Prisons Bill had in consequence been introduced, after the report of Captain Pringle, the inspector, had been received. He maintained that the Prisons Bill was a necessary part of the Abolition Act Amendment Bill, to which their Lordships had agreed last Session. The House, by acceding to the Abolition Act Amendment Bill, gave its sanction to the Prisons Bill. The latter measure was founded on the previously expressed opinions of their Lordships, and was destined to apply permanently and to a future condition of society the same principles which the other measure only put into temporary operation. The Prisons Bill had been passed without any opposition, but nothing could be further from the truth than to say that it was a measure passed in ignorance, and without a full expression of their approbation. It had been further stated, in the course of the debate, that the Prisons Bill had been promulgated in Jamaica in a very extraordinary manner. He could only say, that until the present moment he was not aware of that circumstance. He supposed it was proclaimed, as all other bills of a similar nature were proclaimed, in the colony. This he knew, that looking over the debates which took place in the House of Assembly at the time that the Act was sent out, he did not find in any one of the speeches, whether of speakers hostile or favourable to the Government, the slightest allusion to any want of civility or courtesy on the part of the Home Government in the mode of promulgating the Act. Many of the speakers were extremely hot, extremely violent, against the conduct of the Government generally; but not one of them contained any complaint upon this particular subject.

Viscount *St. Vincent* was understood to state, that it was ungracious towards the House of Assembly, after what they had already done to forward the operation of the Emancipation Act, not to give them some credit for what they might do hereafter. Looking at their past proceedings, he thought it could not be said, that the House of Assembly were indisposed to adopt all the necessary measures to carry out the Emancipation Act. The mode of introducing the Prisons Bill last year was certainly much less courteous than usual. He admitted that the prisons of the colony required a remedy; but he thought the Government had not adopted the proper one. He objected strongly to the principle of the present bill; and when he knew that a few kind words would have been sufficient to induce the House of Assembly to resume their functions, he should have thought that the noble Lords opposite, having suspended their functions a short time since, and having then experienced the effect of a few kind words themselves, would have hesitated a little before they proposed to Parliament to deal so harshly and severely with the Assembly of Jamaica. As the bill was not to be opposed in the present stage, he hoped when their Lordships went into Committee they would be careful to expunge all the objectionable clauses. He trusted that they would expunge not only the first clause, but that part of the second which gave to the Governor in Council the power of enacting tax-bills, provided the House of Assembly did not resume its functions within a certain time. Jealous as the other House of Parliament usually was of its privileges, he could not help feeling some surprise that it should last year have allowed the Prisons Bill, which was a money bill, to be mutilated in their Lordships' House, and to be passed and sent down to them without one word of comment.

The Earl of *Harewood* said, that as it appeared that their Lordships were not disposed to divide, he should not press his amendment; but in withdrawing it for the present he begged to say, that he did so under a firm conviction that such alterations would be made in Committee as would enable him to agree to the bill when it came out of the Committee. If that conviction turned out to be well founded, he should deem it his duty to move his amendment again on the motion for the third reading.

Viscount *Melbourne*, as it was not intended to take the sense of the House upon the subject in the present stage of the Bill, thought it was hardly expedient that he should occupy one moment of their Lordships' time. It was certainly his intention to reserve whatever observations he intended to make upon the subject of the bill till it arrived at its next stage; but at the same time he could not but say that he thought the noble Duke had treated his noble Friend the noble Marquess (Normanby) near him with great harshness and great injustice. He had listened very attentively and carefully to the whole of his noble Friend's speech, and he declared he could not perceive in any part of it anything of the heat—anything of the violence—anything of the acrimony—anything of the irritating nature which the noble Duke had so liberally imputed to it. The fact was, that owing to circumstances the Government were forced upon a course of action of which they did not themselves approve—which they did not think the best that could be adopted—which they did not think would be successful—which they believed would ultimately terminate in the necessary adoption of the measure which had been rejected; but at the same time as his noble Friend had most clearly and distinctly stated, they were willing to give the present bill, which must be regarded as an experiment, a full and fair trial. His noble Friend distinctly stated that he meant to treat it fairly; and unquestionably if the House of Assembly should do that, which he did not think they would do—if they should show a disposition to resume their functions—to perform the duties which were imposed upon them—the duties for which they were constituted — if they should show a disposition to take such a course, unquestionably there would be every disposition on the part of the Government to do that which he admitted with the noble Duke would have been, if circumstances would have permitted it, by far the most prudent course that could be adopted—namely, to concert all the measures connected with the completion of the Act of Emancipation with the House of Assembly, and thereby to secure the consent, concurrence, and authority of that body. Unquestionably that would have been the best course that could have been adopted; but the Government had been driven out of that course by the conduct of the House of Assembly itself. It was with the deepest regret and concern that the Government had felt itself compelled to adopt a different course. The better course, the course they originally intended to pursue, they should be ready to resume when they felt that they could do so with justice to themselves—justice to the country, and justice to the colony itself. When the noble Viscount spoke of the impropriety of having originated a money bill as he said the Prisons Bill was in that House, and when he commented upon the apathy of the House of Commons in not vindicating its privileges upon that occasion, he must be allowed to express his surprise that the noble Viscount himself, seeing the great impropriety of the bill, had not taken the opportunity of resisting it. [Viscount *St. Vincent*: I was not in the country.] He was surprised also that the noble Duke had not stated last year what he had stated that evening—namely, that he considered the Prisons Bill an usurpation of the rights and privileges of the House of Assembly. The noble Duke could not plead his absence from the country as an excuse. The noble Duke was in the habit of paying the closest attention to the business which came before their Lordships; and he was therefore surprised that the noble Duke had not then stated those objections to that measure which he now deemed so formidable. He again repeated, that he should reserve his observations in support of this bill till its next stage; for he had merely risen to state that the remarks which the noble Duke had made upon his noble Friend's speech were too severe—nay, more, that they were utterly unfounded.

Lord *Ellenborough* expressed his concurrence in every one of the animadversions which the noble Duke had passed upon the speech of the noble Marquess the Secretary for the colonies. The violence and intemperance of that speech had deprived the present bill of all chance of a fair trial in Jamaica. He regretted deeply to hear the tone and temper with which the noble Marquess had delivered the language which he used. He likewise regretted deeply the tone and temper displayed by the noble Baron (Glenelg) who followed on the same side, although his speech was calculated to produce less effect in the colony than that of the noble Marquess, as he had ceased to have any official connexion with it. He regretted, he said, deeply the tone and temper on the other side of the House, as it had led to an imprudent revival of charges against the House of Assembly, which were now forgotten, and which ought not to have been recalled from oblivion. He also regretted the tone of debate which had been assumed on his side of the House by the noble Earl and noble Viscount who had taken part in it. He thought that the Prisons Bill was perfectly justifiable. He thought so on reading Captain Pringle's report, and also on the description which a noble Friend of his had given the country of the atrocities practised under the old system. He therefore was of opinion that the time had arrived for legislating upon that subject. As he was of opinion that the Imperial Parliament was justified in passing the Prisons Bill, he could not be of opinion that the conduct of the House of Assembly was altogether justifiable. He was, however anxious that legislation for the colony of Jamaica should be carried on by the House of Assembly under its existing constitution. He disliked all suspensions of constitutions, they altered the tone of men's thoughts and feelings, and were in their results highly injurious to general liberty. It had been well said by a high political authority, that slavery, even if it commenced at the extremities, was inconceivably rapid in its progress, and was certain before long, to carry its contagion even to the heart of an empire. He might add that it was of the very essence of arbitrary Government, when it was once commenced, to create necessities for its own continuance. It was for this reason that he had objected to the measure which was introduced into the other House of Parliament on this subject, but which in deference to public opinion was subsequently abandoned. It would have been destructive of liberty in Jamaica, and the destruction of liberty in Jamaica would have been detrimental to the cause of general liberty in this country.

The Duke of *Wellington* in explanation justified his having called the Prisons Bill "an usurpation of the rights and privileges of the House of Assembly." He had to apologize to their Lordships for not having attended to that Act at the time it was under their consideration last year. Perhaps if he had attended to it he should have voted for it, as he had done for other acts which he considered to be necessary to carry into execution the Negro Emancipation Act, against which, be it recollected, he had voted originally. When, however, that measure became an act of the Legislature, he had voted in favour of all measures necessary to give it effect. He had no recollection of the Prisons Bill being mentioned at all in Parliament, but if he had been in the House at the time he should probably have voted in favour of it, on the grounds he had already stated.

The Marquess of *Normanby* said, that if he had deserved the animadversions which the noble Duke had just passed upon him, no one would have felt more severely than he should the weight of censure falling upon him from such a quarter. But he had the consciousness of feeling that he did not deserve them. He did not therefore require the weight of the sentence with which the noble Baron opposite (Ellenborough) had sought to overwhelm him, to induce him to rise and protest against those animadversions as unfounded and unjust. The noble Baron, however, had divided his censures so equally amongst all their Lordships who had taken share in this debate, that they must make up their minds to bear it among them as they best could. The noble Duke had found fault with him, because he had not stated distinctly that the House of Assembly would be called again together before this bill was put into operation. Now, when he said that this experiment should be fully and fairly tried, he meant, of course, that the House of Assembly should be called together in time to prevent the necessity, in case it resumed its functions, of those Orders in Council being carried into execution. The noble Duke had also charged him with having used intemperate language. Now, he would appeal to their Lordships whether he was in the habit of using such language. But any person who had been an eye-witness, as he had been, of the practical evils of slavery, might be expected, when he saw impediments to the remedy thereof raised and created by the House of Assembly, to express himself rather warmly. At the same time, he could not tax his memory with having used on the present occasion a single expression which he felt himself called upon to retract.

Lord *Brougham* wished to ask a question of the noble Marquess, the Secretary of State for the Colonies, in reference to a statement which had gone the round of the American and European newspapers. He entertained no doubt that it would be in the power of the noble Lord to give it a decided contradiction, but the sooner the contradiction went forth the better. The statement in question was, that five slavers had put into Rio on the 25th of March last, and that the slaves which they carried were sold to a slavery of eight years at 5*l.* a-head. He believed the whole of that to be untrue. But it was true that a practice prevailed which demanded the immediate attention of her Majesty's Government. It was this, that when negroes could not be properly located, as it was called, they were taken to Cuba and other places, where it was legal to indenture them as apprentices. The noble and learned Lord further stated, on the authority of a gentleman of high respectability connected with Dominica, that 430 negroes had been recently brought there in a slaver, which afterwards remained for the purpose of being repaired. He was bound also to observe, that his informant stated, that wherever the negroes were located they generally, if not uniformly, behaved with the utmost correctness and propriety.

The Marquess of *Normanby* replied, that he had received no information on the subject of the noble and learned Lord's first inquiry: as regarded his second, he should take care to ascertain if there were any information in the Colonial-office relating to it.

Bill read a second time.

HOUSE OF COMMONS,

Monday July 1, 1839.

MINUTES.] Bills. Read a first time:—Inland Warehousing; Glass Duties; Turnpike Acts Continuance; Bills of Exchange.—Read a second time:—Bankrupts Liabilities; Pleadings in Court.—Read a third time:—Bankrupts (Ireland).

Petitions presented. By Sir John Seale, from Dartmouth, in favour of the County Courts Bill.—By Mr. Plumptre, from two places, against any further Grant to Maynooth College; from several places, against compelling Soldiers in India to attend Idolatrous Worship.—By Mr. Gillon, from Falkirk, against any further Grant to the Church of Scotland.—By Lord Grimston, from Hertford, for a Tax on Railroads.—By Messrs. Wallace, T. Duncombe, G. Knight, and Miles, from a number of places, for a Uniform Penny Postage.—By Sir Stephen Lushington, from St. Christopher Nevis, for carrying into Execution the Measures which have passed the Legislature here, in the West Indies.—By Sir J. Y. Buller, and Messrs. G. Palmer, Cartwright, Hope, Clive, and Lockhart, from a number of places, against the Government plan for National Education.—By Sir J. Graham, from Glasgow University, for the Appointment of a Professor of the Gaelic Language.

ALLEGED INSULT TO THE BRITISH FLAG.] Lord *Ingestrie* said, having been rather irregular the other evening in putting a question to the hon. Baronet, the Member for Sandwich, in reference to an outrage supposed to have been committed on the British Flag in the Mexican seas, he begged now to inquire either of that hon. Member, or of the hon. Gentleman, the Secretary to the Admiralty, first, whether the Admiralty had received any official communication of the fact of that outrage having occurred; and next, whether, supposing the statement of the papers to be true, the midshipman who was stated to have been ordered by Commodore Douglas to be reprimanded, had received such reprimand: and whether, if he had so received it, the Board of Admiralty concurred in the propriety of its infliction.

Mr. *Charles Wood* conceived the noble Lord to allude to a letter which appeared in the *Times* newspaper in the course of last week.—[Lord *Ingestrie* had read the account of the outrage in question in the *Hampshire Advertiser*.] The material point of the statement was, that shortly before the capture of Vera Cruz by the French, subsequent to the affair of the Express packet, and while her Majesty's ship Vestal was lying off Vera Cruz, with a British sloop in company, Captain Carter, of the Vestal, being senior officer, an English boat from the sloop, under command of a midshipman went on shore, and that a Mexican subject took refuge in the boat for protection, but was taken by force from thence by the French officer in command. The Admiralty, however, had received no account whatever of any such transaction, for a very good reason; because no such transaction had taken place. His attention had first been called to the subject by the question of the noble Lord on a former evening, and it at once appeared that if the dates given with the statement in the *Hampshire Advertiser* were correct, it was utterly impossible that the transaction in question could ever have occurred, because, at the time named, the Vestal was not at Vera Cruz. She arrived there on the 28th of December: this occurrence is said to have taken place on the 5th of December. He could have wished to have stopped here, as this answer would no doubt have been deemed satisfactory by the noble Lord and the House; but rather than lie under the imputation of concealing any circumstance known to him on the subject, he would give to the House a statement of some facts connected with it. For this statement, however, he could not personally vouch, having received it at second hand, as he might say, from an officer whom he had not since been able to see on the subject, he having been out of town. This statement was, that two British officers went out in a Mexican fishing boat to learn to catch turtles, when they chose to hoist the British ensign. This boat came among the French squadron, where the French guard boat was, when her commander took the Mexican out of the boat. Upon this, some representation was made by Captain Carter to the French Admiral, who said he would communicate with the commodore. Whether that communication took place or not, the Mexican who had been taken out of the boat was set at liberty within twenty-four hours. This he presumed to be the foundation for the story which had appeared in the papers. Whether that statement was correct or not he could not positively say. If it was, it was clear the English officers were in the wrong in hoisting the English flag in a Mexican fishing boat; and under such circumstances no Mexican could have claimed the protection of that flag. The commodore did not think it worth while to report this affair to the Admiralty at home, and the noble Lord, who had been so recently afloat, must be well aware that many irregularities might occur on foreign stations, which might be quite fit to be animadverted upon and reported upon, but which ought not to be brought before the House of Commons.

Lord *Ingestrie* said, as to the rebuke which the hon. Secretary had given him for bringing the subject before the House, he had done so from having seen the accounts in the public organs, and therefore invested with some probability. In those accounts, it appeared that a subordinate officer, for doing what he deemed his duty, had been reprimanded by his superior. Was that a proper way of keeping up the discipline of the service? Hence it was he asked the question—and the more especially, since the present was the third instance which had occurred in that part of the world within six months. He was glad, however, to find that the Admiralty had received no account of such a transaction, and that the further stain did not rest upon the British flag. He had been actuated by no party motives in bringing forward this question; but merely the desire that a subordinate officer might not be unjustly reprimanded without public notice being taken of the fact.

Sir *F. Burdett* said, the country should feel indebted to his noble Friend for putting the question. The accounts referred to had appeared in very authentic public organs; and he trusted that no time would be lost by the Admiralty in making inquiry into the facts.

SHIPWRECKS.] Mr. *G. Palmer* wished to put a question to the right hon. Gentleman the President of the Board of Trade respecting a subject of vast importance involving the lives of British sailors; and as it was now getting late in the Session, he wished to press that subject the more earnestly upon the attention of her Majesty's Government. The right hon. Gentleman must be aware that a committee had sat to consider the means that should be taken to preserve the lives of seamen, and to prevent, if possible, the frequency of shipwrecks; that committee had made their report, which was laid on the Table of the House last Tuesday week, but he believed that the printer had not been able to send a copy to every Member yet. The right hon. Gentleman, however, had no doubt possessed a copy for some days, and he wished to ask him, therefore, whether he thought of bringing forward any measure upon this subject in the present Session?

Mr. *P. Thomson* said, the very state of things to which the hon. Gentleman alluded rendered it almost impossible that any measure could be proposed this Session. The report had been laid on the table, but not printed, and of course it was necessary that it should be circulated amongst the Members of that House, and that the important facts it contained should go forth to the public before they could well proceed to legislate on this subject. He very greatly doubted, therefore, that it would be possible to bring forward any such measure this Session.

Factories.] Mr. *F. Maule* moved, that the House resolve into a committee on the Factories' Regulation Bill,

Mr. *Wilson Patten* rose not for the purpose of prolonging any discussion before the House went into Committee, but for the sake of obtaining information by which his opinion, and the opinions of many other hon. Members, he thought, would be influenced in respect to this bill. Those who had looked into it must have seen that extraordinary powers—greater powers than the local magistracy possessed—were to be given to persons holding very subordinate situations under the inspectors; and those powers, he was convinced, would tend very much to injure the bill in its operation. Now he wished to enquire of the hon. Gentleman what salary he intended to give under the new bill to each of the sub-inspectors, and whether he would consent to increase the number of inspectors, with a larger salary to each, and to do away with the sub-inspectors altogether? He was convinced that the master manufacturers, who considered themselves rather hardly dealt with by this bill, wished that the inspectors should be persons of such authority that they should be above suspicion of collusion with themselves or with any other party.

Lord *Stanley*, before the hon. Gentleman answered the question proposed by his hon. Friend, perhaps might be allowed to say that he was satisfied that the Government would find this bill much facilitated if they gave a greater character of respectability—he did not mean mere personal respectability—but that which consisted in weight and authority also, to the inspectors rather than to adopt the plan of having sub-inspectors or superintendants. Setting aside the legislative powers to be given to the inspectors, for such they were, there were also great inquisitorial powers given to them, and such persons should be, as his hon. Friend had observed, above all suspicion, and they should be placed in that position, not only by their personal character, but by a proper salary. Not that he meant to say that an increase of salary would produce an increase of respectability, but he did not think that 350*l.* a-year to cover all travelling and incidental expenses, was an income sufficient to place men beyond the temptations of bribery and a collusion with manufacturers to which they might be exposed. The manufacturers complained, and with great justice, without saying one word of the manner in which the inspectors discharged their duty at present, that their visits were only periodical, and that they were made at remote intervals, and therefore the inspectors could not have that effective control over their districts, which ought to accompany personal observation. It would be much better then, rather than giving to non-resident superintendents large salaries, to increase the number of inspectors, and to increase their salaries, and to take such methods as would give them a greater control over the factories. He would remind the Government that the manufacturers were not the only persons against whom they had to take precaution; but the natural feeling of the parents of the children were against the measure, and they were bent upon evading the provisions of the Act, because they felt that the employment of the children enabled them to eke out their weekly earnings, and thus in a small measure to improve their incomes. If it was intended to provide against an evasion of the law by both parties, there was but one chance of success, which was, that while the operation of the law was made stringent and effectual as to the protection of the workpeople, care should be taken to carry with the law the goodwill of the manufacturers. This could only be done by providing that the law, though stringent, should not be vexatious, and that those who carried the law into operation should be persons of influence and station, and that the manufacturers should not be made subject to officers of a subordinate or inferior character. The answer given to these queries might have an effect on the temper and manner in which the friends of the manufacturers in that House would deal with the bill before them.

Sir *G. Strickland* remarked, that the dissatisfaction he had heard expressed by the manufacturers was of a different character from that stated by the noble Lord the Member for North Lancashire. The noble Lord had stated, that the cause of dissatisfaction was, that the sub-inspectors were persons of inferior character; he had not heard this, but he had heard that the manufacturers complained of being made subject to inspectors' law; they said, "We will obey the laws made by the Legislature, but we do not like inspectors' law." He did not think with the noble Lord, that the proper remedy was giving higher salaries, for he was not of opinion that high salaries produced good work—on the contrary, they were productive of indolence and no work at all; in his judgment the House would better gratify the manufacturers by depriving the inspectors of the power of making laws, and by teaching them that their duty, as well as that of the masters was to obey, and not make, the law. To that part of the bill which enabled the inspectors to make regulations and rules that had the force of law he objected, and would take away that clause entirely.

Mr. *M. Philips* thought the observations which had fallen from the hon. Baronet who had just sat down were well worthy the consideration of the House. Let the law be clearly laid down and defined in the act itself; for supposing the sub-inspectors had nothing more to do than to carry out the proposed law, still the manufacturers were exposed to their putting their own interpretation upon it. He believed that the master manufacturers in the district with which he was connected did not, by objecting to sub-inspectors, seek to free themselves from the vigilance which the law had imposed over them; but they did desire that they should not be intruded upon by persons of inferior stations, a circumstance which they, gentlemen of character and honour, had felt severely. That they were gentlemen of character and honour would, he believed, not be denied, and therefore the feelings of those gentlemen were entitled to the fair consideration of the House. He did not mean to cast the slightest imputation on the character of any individual now holding the office of superintendent or inspector; he only looked forward to the operation of the proposed bill, and he must say it was possible, nay probable, that under the proposed bill appointments might be made extremely obnoxious to the manufacturers whose works they might be appointed to visit. In the town with which he was connected it might happen that persons might be appointed who were practically acquainted with the details of the machinery and process of manufacturing, and might not such individuals take advantage of the improvements made in the machinery which in the course of their duty they had to inspect, and divulge those improvements afterwards to others? The Legislature, he thought, therefore, was called upon to take care that persons were not appointed who would be likely to betray the trust reposed in them. It would, in his judgment, be best to place the inspectors all on one footing, instead of a class of inspectors and a class of sub-inspectors; he thought, also, that in each district there ought to be one resident inspector, who could at all times present himself at the doors of the manufactories, where he was sure he would meet with every facility in the discharge of his duty. Approving of the views of the noble Lord opposite (Lord Stanley), he joined in the expression of the opinion as to the necessity of re-modelling the appointment of the inspectors.

Mr. *F. Maule* said, that in consequence of what had fallen from hon. Members on both sides of the House, he thought he should do better if he waited until the House got into Committee before he entered upon the various details which had been alluded to. With regard to the salaries of the sub-inspectors, it would be seen by a reference to the bill that it was not intended to touch upon them. There were many respectable persons in those offices, and it was not intended to come to Parliament for any fixed salaries for them. With respect to altering the proposition empowering the inspectors to make regulations, he was so perfectly convinced of the necessity of that power in order to procure the proper administration of the act, that he should be most unwilling to depart from the clause giving that power.

Lord *Stanley* repeated, that the manufacturers objected to the inspectors having the power to appoint any number of sub-inspectors, every one of whom would have the powers of inspectors. The manufacturers said, let there be in each district one resident inspector, whose duty it should be to visit at all times the factories in his district.

Mr. *Brotherton* said, the existing law had failed, owing to its complicated nature. He would recommend the Government to adopt such a bill as would meet the general interests and feeling of the people, and by so doing they would go far to render inspection and its attendant expense unnecessary.

Lord *Ashley* was well aware that the regulations established by the inspectors under the act of 1833 had been the great cause of annoyance to the masters, and yet under this bill a new system of regulations by the same authority would be brought into operation. He agreed with his hon. Friend below him (Mr. Wilson Patten), that it was most desirable that the persons intrusted with the very high powers conferred on the inspectors by this bill should be persons of financial respectability. He had thought that the expenses of travelling were to be defrayed by way of mileage, for it was impossible that an inspector with 250*l.* or 300*l.* per year, could make the requisite number of visits within his district at his own expense, and out of that sum be left sufficient to repay him for his personal labour and trouble. He concurred in what had fallen from the hon. Member for Salford; the system of inspection introduced by the bill of 1833 had failed in consequence of the complicated nature of that act. Under it there were two periods for labour fixed, and two certificates were required; but if that bill was simplified—if there was one fixed period for work, and if one certificate only was required, he was convinced the House might get rid of the system of sub-inspection altogether, and he had no doubt the bill would work better if the hours of labour were put on the same footing as under Sir John Hobhouse's Act. He should, however, have no objection that the inspectors should have very largely increased salaries, but if the sub-inspectors were got rid of, he trusted the number of inspectors would be increased to that of both those classes combined.

Mr. *Hindley* observed in the votes notice of several amendments as to the number of hours children should be employed. He wished to ask the Government if it was intended to make any alteration as to the number of hours? It was his desire to make the bill as agreeable to all parties as possible, and he therefore hoped by his hon. Friends on both sides of the House, some compromise would be entered into.

Mr. *F. Maule* said, it was not intended to make any alteration in the principle of the bill, either as regarded age or time.

On the motion "that the Speaker do now leave the Chair,"

Lord *Ashley* did not rise to oppose that motion, but to protest against the manner in which the bill had been delayed. The bill had been introduced on the 14th of February last, and had since been delayed by various adjournments until this first day of July—nay, it had been adjourned in such a manner, as he confessed, had induced him and others to believe it would not be discussed at all during the present session. The consequence was, that there was now a very scanty attendance of Members. Many on whom he relied for support on a division, and for assistance in debate, were not now able to attend, and thus, owing to the long delay, the noble Lord opposite had gained a great advantage—an advantage which would be apparent on a division.

Lord *John Russell* would not detain the House by giving any answer to the observations which had fallen from the noble Lord.

Lord *Ashley* was not aware that he had said anything at all uncourteous, or that he had conducted himself with any discourtesy towards the noble Lord. If he had done anything of that kind, he was quite ready, in the face of the House, to make an ample apology; but he did not think he deserved an answer in such a tone as that just spoken by the noble Lord.

The Speaker left the chair. House in Committee. On clause 1st,

Mr. *Brotherton* said, that this was a matter of the utmost importance, as involving the interests of 400,000 persons employed in mills and factories. The object of the measure was no doubt to give protection to the children employed in the factories, and he gave Government full credit for its intentions, and the only difficulty with him was as to the means by which the end might be obtained, for he did not think that the provisions of that bill would effect the object in view as satisfactorily as other means which had been devised. The hon. Member then went into a review of the various Acts which had been passed on this subject since 1809, when the age of the persons brought within the operation of the Act was fixed. A similar bill passed in 1825, extending the enactments of the former bill; and in 1831, an act was passed, when the legislature fixed the age for protection at eighteen, and declared the number of hours' work in a week should be fixed at 69. In 1833, the present Act was passed; by this, children under 13 were prevented working in factories for more than 48 hours a-week, or eight hours a-day; but above the age of 18, they might be employed any number of hours. It was also required that children, to be enabled to work in the factories, must produce certificates from their parents and surgeons; and provision was also made that they should go to school a certain number of hours in the week. These provisions, however, did not extend to silk-mills, for children of six years of age might be made to work in silk-mills twelve hours a-day; while, according to the Act, children of twelve years of age could not be made to work more than eight hours a-day in a cotton-mill. The details of the Act were so complicated, that they led to the commission of all sorts of frauds, and the consequence was, that the provisions of the bill had not been fairly carried into effect. It was a measure most objectionable to the masters, oppressive to the workmen, and did not afford protection to the children. The penalties paid under the bill last year amounted to 8,300*l.* and notwithstanding all their exertions; it was notorious that the inspectors could not prevent the children or young persons being overworked. Mr. Horner and other inspectors had admitted that it was impossible to prevent the law being invaded, and it was well known that in Nottingham and its neighbourhood, great numbers under the legal age were working sixteen hours a-day. It might be carried into effect apparently in some few places; but the truth was, that on an extensive scale it really did not afford protection to children under thirteen. It appeared, from the returns before the House, that in 1835 there were 56,700 children under the age of thirteen employed in factories, and the total number of children and young persons under the age of eighteen, was 354,384. The result of the return for last year was, that the total number employed was 413,465 persons, and of those 34,234 were under the age of thirteen. Thus it would appear, that the number of children employed under the age of thirteen, was as one in six at the first period, but last year, the number would be as one in twelve. In gross numbers, the difference in the number of children employed in 1835 and 1838 was upwards of 22,000. He would ask any hon. Gentleman acquainted with the subject, whether he believed that anything like that number of children had been thrown out of work in the factories during these three years. Again, in Scotland, in 1835, the number of children under thirteen that were unemployed in the factories, was about one in seven, as compared with the total number of persons employed; but at present, according to the returns, the proportion was one in thirty-two. The great improvements that had been made in the machinery in the factories within the last few years had greatly diminished the amount of labour required of the adults, and he believed that he was not going beyond the mark when he stated, that in some branches of trade, the services of nearly one-half the number of adults had been dispensed with since 1831. Was it, however, expedient for the interests of the community, that any portion of the work people should be kept so long at labour in the factories as to prevent them obtaining any share in those humble enjoyments which were within their grasp. By the long confinement in close atmospheres these labourers were rendered almost incapable of enjoyment, and they had no means of cultivating their minds, or improving the slender education they might have received in childhood. The females, also, were not fit for their situations as wives and mothers, as they had no means of mental improvement. These evils were constantly increasing, and he believed that the only effective remedy that could be applied would be to prevent the factories being worked more than a certain number of hours a-day. What he should propose would be, that there should be an uniform time of working for all persons in factories, and that all ages should be placed on the same footing and the same principle applied to them. He also did not see why silk or lace mills should be exempted, and not be placed under the operation of the act. He had been told, that there were many of these mills where the persons employed in them were engaged fourteen or fifteen hours a day, and females went on at five o'clock at the morning, and were kept constantly at work there until nine o'clock at night, with the intermission of a few minutes for meals, which they were obliged to take within the walls of their factories. What he intended to propose in this clause was, that the age should be increased of the parties who were to come within the operation of the Act, namely, from eighteen to twenty-one. He was also most anxious that a ten hours' a-day system should be adopted for all the factories, as this was quite enough for man, woman, or child, and he thought that if it were made general, it might be done in a manner to prove satisfactory to the masters. He thought, that by proper regulations on this subject, the trade of the country could be carried on with advantage, and he had no doubt that, if the occupation was confined to ten hours a-day, the employment in factories would be found to be healthy instead of being unhealthy. He was not so alarmed for the situation of the country, that he would consent to sacrifice the interests of those persons because it was against one of the dogmas of political economy. He should conclude, with proposing, that the words "under the age of eighteen years," should be struck out; and the words "under the age of twenty-one years" be substituted.

Lord *Ashley* supported the amendment, and begged to remind the House that a similar amendment had been proposed in the other House in the bill of 1833, but this House refused to agree to it. In all other cases, the interest of persons under the age of twenty-one years was protected, and he thought that the interest of those who had only their labour to depend upon should be so likewise.

Mr. *P. Thomson* said, that the object of his hon. Friend evidently was to impose restrictions on the period of adult labour in factories, and that the period of work in mills should be ten hours. If such restrictions were allowed, the effect would be that those parties who were dependent on their labour would be deprived of so much of the means at their command. It might be said, that this was the principle of the bill; but in it the legislature proposed to protect the interests of those who could not protect themselves; but no one would say that, looking to the character of the working classes of this country, that those above the age of eighteen were not in a situation to protect themselves. He confessed, that he thought that one of the evils of the factory system was to make the children independent of their parents at too early an age. He hoped the House would not consent to this amendment.

Mr. *O'Connell* thought, as a general principle, that it was inexpedient to interfere between the employer and employed. The only case that could justify such a proceeding was for the protection of the interests of children; this was the practice of the Court of Chancery on other matters, and he thought that they might act as chancellors for the time, and take the age of twenty-one years.

Mr. *Mark Philips* thought, that if an amendment was adopted, it would have a great practical difficulty in the working of the bill. It would prevent any persons under the age of twenty-one attending in the factories at such times for the purpose of cleaning the machinery. This was necessary to be done two or three times a week, and was generally done during meal times by young men, by the mill-owner, or be liable to a heavy penalty if he employed any one under the age of twenty-one.

The Committee divided on the original question:—Ayes 87; Noes 44: Majority 43.

List of the AYES.

Ainsworth, Peter
Baines, E.
Baring, F. T.
Barnard, E. G.
Bewes, T.
Bowes, J.
Broadley, H.
Bruges, W. H. L.
Busfeild, W.
Byng, right hon. G. S.
Canning, rt. hn. Sir S.
Cavendish, hon. G. H.
Childers, J. W.
Craig, W. G.
Currie, Mr. Sergeant
Dalmeny, Lord
Donkin, Sir R. S.
Duff, James
Dundas, Sir R.
Egerton, W. T.
Ellis, John
Ferguson, Sir R. A.
Gordon, Robert
Graham, rt. hn. Sir J.
Greene, T. G.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Hastie, Archibald
Heathcoat, John
Hinde, J. H.
Hobhouse, T. B.
Hodgson, R.
Hope, G. W.
Houldsworth, T.
Hurt, F.
Jackson, Mr. Sergeant
James, W.
Kemble, H.
Labouchere, rt. hn. H.
Langdale, hon. C.
Lascelles, hon. W. S.
Lister, E. C.
Lockhart, A. M.
Lygon, hon. General
Macauley, T. B.
Marsland, H.
Norreys, Sir D. J.
O'Brien, W. S.
O'Ferrall, R. M.
Palmer, G.
Parker, John
Parker, R. T.
Patten, J. W.
Pease, Joseph
Peel, rt. hon. Sir R.
Philips, M.
Philips, G. R.
Ponsonby, hon. J.
Price, Sir R.
Price, R.
Richards, R.
Rolfe, Sir R. M.
Rundle, John
Russell, Lord John
Scarlett, hon. J. Y.
Sheppard, T.
Slaney, R. A.
Somerville, Sir W. M.
Stanley, Lord
Stanley, hon. W. O.
Stansfield, W. R. C.
Steuart, R.
Stewart, J.
Surrey, Earl of
Teignmouth, Lord
Thomson, rt. hn. C. P.
Thornley, T.
Verner, Col.
Villiers, hon. C. P.
Wall, C. B.

Warburton, H.
White, A.
Wilbraham, G.
Wilbraham, hon. B.
Williams, W. A.
Wood, C.
Wood, G. W.

TELLERS.
Maule, F.
Stanley, E. J.

List of the NOES.

Aglionby, H. A.
Alsager, Captain
Attwood, W.
Baring, H. B.
Blake, M. J.
Corry, hon. H.
D'Israeli, B.
Douglas, Sir C. E.
Duncombe, hon. W.
Duncombe, hon. A.
Eliot, Lord
Estcourt, T.
Ewart, W.
Fielden, J.
Gaskell, J. M.
Grant, F. W.
Hale, R. B.
Halford, H.
Harvey, D. W.
Heneage, G. W.
Hepburn, Sir T. B.
Hindley, C.
Hogg, J. W.
Hope, hon. C.
Hughes, W.
Hume, J.
Humphery, J.
Inglis, Sir R. H.
Lincoln, Earl of
Maunsell, T. P.
Miles, W.
Norreys, Lord
O'Connell, D.
Packe, C. W.
Pringle, A.
Rushout, G.
Shirley, E. J.
Trench, Sir F.
Vere, Sir C. B.
Vigors, N. A.
Waddington, H. S.
Walker, R.
Wodehouse, E.
Yates, J. A.

TELLERS.
Ashley, Lord
Brotherton, J.

On the third clause,

Lord *Ashley* proposed to strike out those words in the clause which excepted silk mills from the operation of the bill, as he had never seen any reason why children in silk mills should not receive the same advantages which the Factory Bill would confer on others. He was aware that he might be met with the objection that their work was lighter than that in other mills, but it should not be forgotten that it involved the necessity of their standing upon their legs for very many hours together. When he was at Macclesfield he had devoted much of his time both in the day and at night to seeing the children both at work and at their homes; and he had never before witnessed, and he hoped he should never again behold, so much bad health and deformity as had there been caused by this excess of toil. With respect to the education to be given to the children under the Factory Bill, the noble Lord here read an extract from a report made by a factory inspector, who had stated, that soon after the bill was passed in 1833 he had received a letter from the chairman of the Macclesfield Union informing him that much agitation prevailed there and at Manchester in consequence of the prevalence of an opinion said to have been expressed at Manchester under the sanction of the right hon. Gentleman, the President of the Board of Trade, that it was not intended that the children of silk mills should be educated. Why, he asked, should not these children receive the same advantages as other children? Was there anything in the nature of their employment which did not entitle them to the same degree of protection; or could it be said that they did not require the same advantages of that moral and religious education which was to be given to the children in the cotton factories? The work in the silk mills and lace factories was not only very fine, but performed by gaslight, and he had been informed by some ladies connected with a sunday school, that from these causes the eyesight of the children was so materially injured that they could not read either Bibles or Prayer-books unless they were printed in unusually large type. He would not detain the committee longer, but he did think that if the facts which he had stated were not overthrown, it was the duty of that House to extend to those children all the protection which this bill would afford. These were the grounds upon which he founded the amendment which he had proposed.

Mr. *P. Thomson* said, that, as the silk mills were excluded from the bill of last year, the Government did not think themselves authorised to make the alteration in this bill which the noble Lord now proposed. He was willing to admit, that he could see no material reason why the silk mills should be excluded from the operation of this measure up to a certain point, and the reason why they were omitted last year was on account of the manufacture being young in this country, and because it seemed justified by other peculiar circumstances connected at that period with the silk trade. It should not be forgotten that employment in the silk mills was not as unhealthy as that in cotton mills. The temperature was much lower, but still, from what had been stated by the inspector, he was not inclined to oppose their being included in the present bill, so far as respected hours, but not as regarded age; for he thought there were good grounds for believing that children of nine years of age might be allowed to work in silk mills without any disadvantage to them.

Ten was the age fixed upon with regard to cotton factories, but, considering that the process of silk manufacture required much more delicacy than that of cotton, it was absolutely necessary in order to their attaining the proper degree of skill that children should be admitted into the silk mills at an earlier period. His objection to including the lace factories proceeded upon a totally different ground. The parties affected by the proposition of the noble Lord were taken unawares, no notice having been given to them that the bill would apply to them, and thinking that they had a right to have an opportunity of representing their own case to the House, he could not consent to this part of the motion of the noble Lord until further information had been obtained upon the subject.

Mr. *Heathcote* said, that even if the proposition of the noble Lord were adopted it would only apply to one-fifth of the lace factories in the kingdom, while the remaining four-fifths would be wholly untouched by it. The factories to which the bill would apply were those which were best regulated, and, therefore, called for the least interference on the part of that House. He, however, should not object to having the whole of the lace factories placed under the provisions of this bill when proper information on the subject had been obtained, and, therefore, if the noble Lord would defer the matter for another year he would then be most happy to lend his assistance in carrying the object which the noble Lord had in view into effect.

Mr. *Slaney* observed, that as the right hon. Gentleman, the President of the Board of Trade was willing to include the silk mills, the noble Lord ought to be satisfied, and not press his proposition with reference to the lace factories.

Mr. *Poulett Thomson* begged it to be understood that although he had no objection to have the silk mills included, so far as hours were concerned, he should object to any limitation of age.

Mr. *T. Egerton* agreed that the nature of the employment rendered it necessary for children to be admitted into silk mills at an earlier age than into cotton mills.

Lord *Stanley* said, that for his own part, he could see no delicacy or dex teity which could not be acquired by a child of ten years of age equally as well as by one of nine. He, therefore, did think that his noble Friend was perfectly right in the course which he had taken.

Mr. *Hume* did not think there was any evidence before them to warrant this alteration. The people wanted cheap bread, and not restrictions upon labour of this kind. The right hon. Gentleman, the President of the Board of Trade, had assigned no sufficient reason for this alteration, and certainly such a course should not have been taken without proper information having been given to the parties interested in the change.

Lord *Ashley* said, he had given notice months ago that he intended to move that both the silk and lace factories should be included in this measure.

Mr. *Brotherton* said, that he should not bring forward the amendment of which he had given notice until that of the noble Lord had been disposed of.

Lord *Stanley* thought, that his noble Friend intended to persevere in his proposition with respect to the lace factories.

Mr. *P. Thomson* said, that if this were the case, for the reasons which he had already stated, he must vote against it if they came to a division.

Mr. *S. O'Brien* contended, that nine was too early an age for permitting children to work either in silk or any other factories.

Mr. *Villiers* said, that the proper way to better the condition of the poor was by affording them the necessaries of life at a cheap rate. The motion for the repeal of the corn-laws which he had made had this object in view, but the hon. Gentlemen opposite, who now wished to appear so humane, by rejecting that motion, proved that when the factory children asked them for bread they would give them a stone.

Mr. *Wilbraham* said, that he could see no inhumanity in allowing children of a tender age to work in silk or lace factories. He had visited many of those places and he could only say that the children whom he saw appeared both healthy and happy.

Mr. *Heathcote* thought the information which the noble Lord had received on this subject was incorrect, and that if the matter were properly examined into he would see the necessity for waiving his present objection.

Mr. *Slaney* said, there seemed to be a misunderstanding on this point, which he thought it right to explain away. The delay for which the right hon. Gentleman the President of the Board of Trade asked was not until next Session, but only until the bringing up of the report.

Mr. *Darby* observed, that unless the Government undertook to communicate with the parties, it could not be expected that his noble Friend could ascertain their sentiments between now and the bringing up of the report.

Mr. *P. Thomson* said, that all the delay he asked for was such as would enable him to communicate with the parties. Having had no notice of the noble Lord's proposition, it was only fair to give them an opportunity of expressing their views upon it.

Lord *Ashley* said, that if the object were not to throw the matter over to another Session, he would not, of course, object to afford the right hon. Gentleman the time he required.

The Committee divided on the original question: Ayes 49; Noes 55; Majority 6.

List of the Ayes.

Adam, Admiral
Ainsworth, P.
Baines, E.
Bannerman A.
Barnard, E. G.
Chapman, Sir M.L.C.
Craig, W. G.
Donkin, Sir R. S.
Dundas, Sir R.
Egerton, W. T.
Elliot, hon. J. E.
Fenton, J.
Finch, F.
Hastie, A.
Heathcoat, J.
Hobhouse, T. B.
Hoskins, K.
Howick, Viscount
Lister, E. C.
Macleod, R.
M'Taggart, J.
Morpeth, Viscount
O'Ferrall, R. M.
Parker, J.
Parker, R. T.
Parnell, rt.hon. Sir H.
Parrott, J.
Philips, M.
Philips, G.
Pigot, D. R.
Price, Sir R.
Rich, H.
Rundle, J.
Russell, Lord J.
Stanley, hon. W. O.
Stansfield, W. R.
Steuart, R.
Stewart, J.
Thomson, rt. hn. C. P.
Thornely, T.
Villiers, hon. C. P.
Walker, R.
Warburton, H.
Wilbraham, G.
Williams, W. A.
Wood, Sir M.
Wood, George W.
Yates, John A.

TELLERS.
Maule, F.
Brocklehurst, Mr.

List of the Noes.

Acland, T. D.
Aglionby, H. A.
Alsager, Captain
Bewes, T.
Brotherton, J.
Bruges, W. H. L.
Butler, hon. Colonel
Canning, rt. hn. Sir S.
Cavendish, hon. H.
Cayley, E. S.
Colquhoun, J. C.
Courtenay, P.
Darby, G.
Duncombe, hon. W.
Elliot, Lord
Ellis, J.
Ewart, W.
Fielden, J.
Fleetwood, Sir P. H.
Gaskell, J. Milnes
Halford, H.
Hinde, J. H.
Hodges, T. L.
Hodgson, R.
Hughes, W. B.
Humphery, J.
Jackson, Mr. Sergt.
Kemble, H.
Langdale, hon. C.
Lockhart, A. M.
Marsland, H.
Morris, D.
Norreys, Lord
O'Brien, W. S.
Patten, J. W.
Pease, J.
Plumptre, J. P.
Polhill, F.
Pringle, A.
Pusey, P.
Richards, R.
Round, J.
Sheppard, T.
Slaney, S. B.
Stanley, Lord
Style, Sir C.
Talfourd, Mr. Sergt.
Teignmouth, Lord
Thompson, Mr. Ald.
Vere, Sir C. B.
Vigors, N. A.
Wakley, T.
Wilbraham, hon. B.
Williams, W.

TELLERS.
Ashley, Lord
Hindley, Mr.

Clause as amended to stand part of the bill.

On the 9th Clause on the question that the blank be filled up with the words sixty nine,

Lord *Ashley* said, that it was not his intention to detain the House at any great length, for he felt that at the present period of the Session, and in the present state of the House, it was almost impossible to sustain any long debate upon this question, nor could he hope to be supported by all those friends for whose assistance he might have looked under more favourable circumstances. Nevertheless he could not find it in his heart to let this opportunity go by without asserting the principles which he had so long contended for, and stating the opinions which he had so long entertained. It was no new principle that he asked for, because the House had already, in the year 1816, assented to a bill, which went through a first and second reading in which the hours of labour were limited to ten and a half hours. That bill was introduced by the father of his right hon. Friend the Member for Tamworth, and would have found its way to the House of Lords but for the sudden and unexpected termination of the Session. But if ten hours and a half were then thought sufficient, how much more requisite was it to fix that as the limit now, when it was notorious that labour had increased, and pressed with tenfold severity on the operative classes? He himself (Lord Ashley) had attempted to reassert the principle in 1832 and 1833. No change had yet been effected: the motives for introducing it now were doubly powerful, looking to the great mass of evidence which had been collected with respect to the moral and physical evils endured, exhibiting an increase of suffering and mortality unprecedented in any other country. The population employed in these mills amounted to 419,590, of which 242,296, or 57¾ per cent., were females. Between the age of thirteen and eighteen, the period to which his amendment extended, there were 98,174, of whom 56,792 were females. The age of thirteen for a female was very critical, and with respect to their mental and moral improvement, Mr. Inspector Horner said, "I restricted myself to children of thirteen and fourteen years of age, who by working twelve hours a-day could have no time for their mental and moral improvement." Unless therefore the House were prepared to maintain that after the age of thirteen young women had nothing further to acquire in the way of mental and moral improvement, they must agree to his proposition to shorten their hours of labour, so as to afford them some better opportunity than they now enjoyed for attaining it. He had often in that House heard expressions of an anxiety to limit the period of labour provided they could do so with benefit to the working population; but the great obstacle to the limitation of labour in this country, it was constantly asserted, was the existence of the Corn-laws. The Corn-laws, it was said, necessarily gave rise to long hours of labour; but was it really so? Did they find shorter hours in other parts of the world where no Corn-laws existed? Quite the reverse. He held in his hand a series of returns, from which Ministers at least could not dissent, having been furnished by their own officers, exposing the whole question of the cotton manufacture in all parts of Europe as connected with the state of the hand-loom weavers in this country. The necessary inference from the data thus supplied was, that the abolition of the Corn-laws, so far from abridging, would rather extend the hours of labour. What were the hours on the continent where no Corn-laws existed? In Argovia the hours in the cotton mills were twelve and a half, no children under fourteen being admitted. In Zurich the hours of actual labour were thirteen per diem. In Austria they varied from fifteen to seventeen, and even in Mr. Kennedy's factories in the Tyrol from thirteen to fourteen hours a-day In Alsace thirteen to fourteen; Lyons twelve to fifteen; Normandy eighty to eighty-four per week; Elbeuf thirteen and a half hours actual work; and in Belgium, always quoted as our greatest and most formidable rival, the hours were generally thirteen daily, and at present—the report was dated March, 1839—they varied from fourteen to fifteen, the commissioners adding this most important statement, that cheapness of labour in Belgium is overstated, and that while combinations are on the increase among foreign workmen, the rate of wages, &c., is approximating to the English. In no one of those countries did Corn-laws exist, and therefore it was impossible to contend that there was any necessary connexion between the Corn-laws and long hours of labour. But there was another country always held up as a very formidable rival—Prussia; what was the course lately adopted there? That great and good Prince, who always took the lead in everything which affected the welfare of his people—the King of Prussia, had lately issued an ordinance, limiting the hours of labour in the factories throughout his dominions to the period for which he had contended during so many years of his life—ten hours a-day. And with credit be it spoken of the master manufacturers of Elberfield, the proposition first came from them in the shape of a petition to the King, who replied, that their prayer was so entirely in accordance with his own wish, that he should certainly grant it, adding however, that a thing so good should not be confined to one district, but should extend over the whole length and breadth of the kingdom. He did not wish to detain the House with details of this question; he contented himself with resting his motion on the assertion that labour by children and persons of tender years since 1816, when the House sanctioned the principle for which he contended, had greatly increased, bringing along with it a vast and alarming increase of suffering and mortality, holding himself ready, if called on, to prove the statement by most indubitable authorities. At present he would merely move as an amendment, that the blank in the clause be filled up by "58," instead of "69."

Mr. *Ewart* would support the proposition of the noble Lord, but he could not give his assent to the noble Lord's reasoning with respect to the Corn-laws. Did the noble Lord mean to say that the manufacturers of this country would not be in a better condition to shorten the period of labour if the persons employed in the manufactories had cheaper food? It was quite evident that whatever country had the cheapest food was best able to reduce the hours of labour, and the fact of the hours not having been reduced upon the continent did not go to disprove that statement. He should vote with the noble Lord, but not upon those arguments which were founded upon the Corn-laws.

Mr. *F. Maule* said, that the disease and mortality of manufacturing towns proceeded from many causes besides the hours at which the people were employed in the factories, and he therefore could not admit that argument. The noble Lord had told them that on the continent the hours were longer. Now would he say that the children in Britain were less robust or capable of sustaining exertion? He would remind them that whilst they imagined they were engaged solely in legislating, for the advantage of the children, they might be really legislating upon the moving powers of machinery. He objected to the amendment, and he trusted the Committee would not adopt it.

Mr. *Villiers* said, that the noble Lord was under a misapprehension with respect to the Corn-laws, and he had also mentioned places where Corn-laws were in existence, such as Lyons. If the manufacturers in this country were allowed the advantage which would arise from the increased demand for their goods, that would be consequent upon an open trade in corn, the persons employed in the manufactories would receive a corresponding advantage. He believed if the Corn-laws were repealed, it would have a most beneficial effect in stimulating the manufacturers of the country, by the increased demand for our manufactures which it would produce. He believed the noble Lord to be perfectly sincere in his wish to benefit the manufacturing population; but he would ask the noble Lord to consider upon the question, would they receive the same amount of wages for a reduced number of hours which they at present receive? or was he prepared with a means of raising their wages?

Mr. *Cayley* said, the real question was one of humanity, and had nothing to do with the Corn-laws.

Mr. *Baines* said, that if a proposal were made to diminish the amount of agricultural labour, the landed interest would be in arms against it. He gave the noble Lord credit for being actuated by the best principles and the highest motives of humanity, but he believed that if his proposition were to be carried into effect it would be injurious to the manufacturing interest. If they reduced the term of labour, they must likewise reduce the amount of wages; so that, so far from benefitting the operative, it would be injurious to him.

Mr. *Mark Philips* said, that the noble Lord could not have chosen a worse opportunity than the present for bringing forward his proposition, when the manufacturers of this country were exposed to so much active competition on the part of foreign countries. The injurious effect of this proposition would first be felt by the operatives themselves, for if a diminution took place in the hours of labour, they must make a corresponding reduction in the price of labour, for it would be impossible for the manufacturer to pay the same amount of wages for a diminished supply of labour. Whatever the noble Lord might think of the effect of foreign competition, he contended that it would be impossible for the manufacturer to resist that competition with diminished hours of labour. He did not mean to discuss the question as one of feeling or humanity, but as a question of existence. He spoke as a practical man, and he contended that the competition was so great that the manufacturers of this country would not be able to stand if they were compelled to adopt such an alteration as this. He did not speak thus from any want of feeling for those employed in factory labour, but, as a practical man, he must bow to circumstances over which he had no control.

Mr. *Brotherton* said, that human nature was the same on the Continent as in the country, and that there as well as here there was a disposition to get rich as soon as possible. He contended that without legislative interference the children would be worked unmercifully. By a return made in 1819 it had been clearly shown that the average rate of time in factories was seventy-seven hours per week. In Nottingham and the neighbourhood they worked in the factories to the extent of thirteen, and in some instances, of fifteen hours per day. He would at once admit that if they reduced the term of labour they would thereby increase the cost of production. He was quite aware that if they could with difficulty stand against foreign competition whilst the term of labour was twelve hours, if they reduced the term to ten hours there must be a reduction of wages. It was impossible for the manufacturers of this country to contend with the competition of countries where food was so much cheaper, and the remedy would be found in an alteration of the Corn-laws. As he could not get at the right end by a repeal of those laws, he would, as an indirect means, vote for the proposition of he noble Lord, because he was sure it would have the effect of sooner bringing the question to an issue.

Mr. *O'Connell* would have been very glad if the noble Lord had commenced his career of philanthropy by inducing his class to sacrifice their individual interests by giving the people cheaper bread. The Corn-laws were good for nothing to the landlords if they did not make bread dear. He had merely risen to protest against that part of the speech of the noble Lord in which he eulogised the King of Prussia as a man of the finest feelings. Now, would the noble Lord wish to see a King of this country lay hold of two archbishops, and how would the noble Lord relish it to see one of these imprisoned in a fortress for two years without trial or investigation? The noble Lord would not eulogise any sovereign of this country who should so treat the Archbishops of Canterbury and York. There was no occasion at all to have introduced this subject.

Lord *Ashley* said that if the Archbishops of Canterbury and York had acted in the manner in which those other two bishops appeared to have acted, he thought they ought to be similarly treated.

Mr. *O'Connell* said that their sole crime was being quite consistent with their principles, and maintaining that discipline which it was their duty to maintain. The conduct of the King of Prussia was, therefore, doubly tyrannical.

Lord *J. Russell* begged to make one observation on the question itself. It seemed to him that the noble Lord (Lord Ashley) had not answered the question put by his hon. Friend, the Member for Wolverhampton (Mr. Villiers) namely, whether, having reduced the hours of labour, the noble Lord could provide at the same time that the same remuneration should be given for the shortened hours of labour? Did the noble Lord mean to carry his principle to the extent of fixing wages by law, or did he not? If he did mean to do so, the Committee knew of course the impossibility of adopting such a course; and if he did not, the Committee must know that whatever shortened the hours of labour, and with the present high price of provisions reduced the rate of wages, instead of being a proposition of humanity, would be a proposition of the greatest inhumanity. Therefore as he thought the proposition, if carried into effect would be cruel in its operation, he must vote against it.

Lord *Ashley* said that there was nothing in his proposition that went to the extent of defining the amount of wages. As to the question of the hon. Member for Wolverhampton, he must say that he did not entertain the same apprehensions as that hon. Gentleman; because in 1818 and 1819, when the hours of labour were limited, precisely the same arguments were used. It was then said that if they reduced the hours of labour they must reduce the amount of wages, and thus produce great consequent misery to the manufacturers. What was the result? The hours of labour were greatly reduced by the bill of 1819; but were the wages reduced? Not in any one single respect. They continued at the same amount for four years after, and were reduced from other causes. It was found also that the reduction of the hours did not lead to any diminution of production.

Mr. *Pease* said that all practical men knew that when the hours of labour were shortened the children were over-worked and over-driven, and the exertions of the children were rendered much more intense and cruel. He employed a great many hands, and he must say, as a practical man, that if the hours of labour were abridged, he must, unless he submitted to torture and over-drive the children, inevitably close his manufactory.

The Committee divided on the original motion: Ayes 94: Noes 62 — Majority 32

List of the AYES.

Adam, Admiral
Ainsworth, P.
Alcock, T.
Bailey, J.
Baines, E.
Bannerman, A.
Barnard, E. G.
Bewes, T.
Blackett, C.
Blair, J.
Busfeild, W.
Cavendish, hn. G. H.
Chapman, Sir M.L.C.
Craig, W. G.
Donkin, Sir R. S.
Douglas, Sir C. E.

Dundas, Sir R.
Egerton, W. T.
Elliot, hon. J. E.
Ellis, W.
Evans, W.
Fenton, J.
Ferguson, Sir R. A.
Finch, F.
Graham, rt. hn. Sir J.
Greene, T.
Grey, rt. hn. Sir G.
Grote, G.
Handley, H.
Hastie, A.
Hawes, B.
Heathcoat, J.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Hoskins, K.
Howick, Visct.
Hurt, F.
Knight, H. G.
Labouchere, rt. hn. H.
Langdale, hon. C.
Lascelles, hon. W. S.
Lennox, Lord A.
Lister, E. C.
Loch, J.
Macleod, R.
Mactaggart, J.
Marsland, H.
Marton, G.
Morpeth, Visct.
O'Brien, W. S.
O'Ferrall, R. M.
Parker, J.
Parker, R. T.
Parnell, rt. hn. Sir H.
Parrott, J.
Patten, J. W.
Pease, J.
Philips, M.
Philips, G. R.
Pigot, D. R.
Price, Sir R.
Rich, H.
Roche, W.
Russell, Lord J.
Russell, Lord C.
Rutherfurd, rt. hn. A.
Scarlett, hon. J. Y.
Scrope, G. P.
Seymour, Lord
Slaney, R. A.
Stanley, hon. E. J.
Stanley, Lord
Stanley, W. O.
Stansfield, W. R.
Steuart, R.
Stewart, J.
Stock, Dr.
Surrey, Earl of
Thomson, rt. hn. C. P.
Thornely, T.
Turner, W.
Villiers, hon. C. P.
Walker, R.
Wallace, R.
Warburton, H.
White, A.
Wilbraham, G.
Wilbraham, hon. B.
Williams, W. A.
Winnington, T. E.
Wood, C.
Wood, Sir M.
Wood, G. W.
Yates, J. A.

TELLERS.

Maule, F.
Brocklehurst, J.

List of the NOES.

Acland, T. D.
Aglionby, H. A.
Alsager, Captain
Broadley, H.
Brotherton, J.
Bruges, W. H. L.
Buller, Sir J. Y.
Canning, rt. hn. Sir S.
Cayley, E. S.
Courtenay, P.
Darby, G.
Dick, Q.
Duncombe, hon. W.
Du Pre, G.
Eastnor, Visct.
Eaton, R. J.
Eliot, Lord
Ellis J.
Ewart, W.
Gaskell, J. Milnes
Grimsditch, T.
Grosvenor, Lord R.
Halford, H.
Hall, Sir B.
Heneage, G. W.
Hinde, J. H.
Hodges, T. L.
Hope, hon. C.
Hughes, W.
Jervis, S.
Kemble, H.
Knatchbull, r. h. Sir E.
Lockhart, A. M.
Lowther, J. H.
Lygon, hon. General
Maunsell, T. P.
Miles, W.
Miles, P. W. S.
Morris, D.
Noel, hon. W. M.
O'Connell, D.
O'Connell, J.
Owen, Sir J.
Plumptre, J. P.
Polhill, F.
Pusey, P.
Rae, rt. hon. Sir W.
Richards, R.
Round, C. G.
Round, J.
Sheppard, T.
Smith, A.
Style, Sir. C.
Talfourd, Sergeant
Teignmouth, Lord
Thompson, Alderman
Vere, Sir C. B.
Vigors, N. A.
Wakley, T.
Welby, G. E.
Williams, W.

TELLERS.

Ashley, Lord
Feilden, J.

Clause agreed to.

On clause 11, which proposes to enact that where the machinery is "wholly moved by the power of water," the time lost by the total stoppage of the water wheel from want of water, or from too much water, may be recovered,

Mr. *Mark Philips* moved an amendment to have the words "or partially," inserted before the words "by the power of water."

The Committee divided on the amendment: Ayes 48: Noes 106—Majority 58.

List of the AYES.

Ainsworth, P.
Bailey, J.
Bainbridge, E. T.
Bruges, W. H. L.
Busfeild, W.
Cavendish, hn. G. H.
Duncombe, hon. A.
Eastnor, Visct.
Egerton, W. T.
Ellis, J.
Ellis, W.
Fenton, J.
Finch, F.
Forester, hon. G.
Gordon, hon. Capt.
Graham, rt. hn. Sir J.
Greene, T.
Grimsditch, T.
Handley, H.
Hastie, A.
Heathcoat, J.
Hindley, C.
Hope, hon. C.
Hope, G. W.
Hoskins, K.
Houstoun, G.
Lascelles, hon. W. S.
Lennox, Lord A.
Lister, E. C.
Loch, J.
Marsland, H.
Morris, D.
Parker, R.
Patten, J. W.
Philips, G. R.
Pusey, P.
Round, C. G.
Rundle, J.
Scarlett, hon. J. Y.
Scrope, G. P.
Sheppard, T.
Stanley, Lord
Stansfield, W. R. C.
Turner, W.
Walker, R.
Wilbraham, hon. B.
Williams, W. A.
Yates, J. A.

TELLERS.

Philips, M.
Wood, G.

List of the NOES.

Acland, T. D.
Adam, Admiral
Aglionby, H. A.
Archdall, M.
Ashley, Lord
Baines, E.
Bannerman, A.
Barnard, E. G.
Blackstone, W. S.
Blair, J.
Blake, W. J.
Broadley, H.
Brotherton, J.
Buller, Sir J. Y.
Burrell, Sir C.
Chalmers, P.
Childers, J. W.
Chute, W. L. W.
Clay, W.
Collins, W.
Colquhoun, J. C.
Craig, W. G.
Curry, Mr. Sergeant
Davies, Colonel
Douglas, Sir C. E.
Duncombe, T.

Duncombe, hon. W.
Dundas, Sir R.
Eaton, R. J.
Eliot, Lord
Evans, W.
Ewart, W.
Fielden, J.
Ferguson, Sir R. A.
Fleetwood, Sir P. H.
Gladstone, W. E.
Gordon, R.
Grey, rt. hn. Sir G.
Grosvenor, Lord R.
Grote, G.
Halford, H.
Hall, Sir B.
Hawes, B.
Heneage, G. W.
Hinde, J. H.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hodgson, R.
Hutt, W.
Kemble, H.
Labouchere, rt. hn. H.
Langdale, hon. C.
Lowther, J. H.
Macleod, R.
Mahon, Visct.
Marton, G.
Maule, hon. F.
Maunsell, T. P.
Mildmay, P. St. John
Miles, W.
O'Brien, W. S.
O'Connell, D.
O'Connell, J.
Palmer, G.
Parker, J.
Parnell, rt. hn. Sir H.
Parrott, J.
Pattison, J.
Pigot, D. R.
Plumptre, J. P.
Ponsonby, hon. J.
Power, J.
Price, Sir R.
Rae, rt. hn. Sir W.
Rich, H.
Rolfe, Sir R. M.
Round, J.
Rushout, G.
Russell, Lord J.
Rutherfurd, rt. hn. A.
Shirley, E. J.
Sinclair, Sir G.
Slaney, R. A.
Smith, A.
Smith, R. V.
Stanley, hon. E. J.
Stanley, W. O.
Steuart, R.
Stewart, J.
Stock, Dr.
Style, Sir C.
Surrey, Earl of
Talfourd, Mr. Sergt.
Teignmouth, Lord
Thomson, rt. hn. C. P.
Thompson, Alderman
Vere, Sir C. B.
Vivian, J. H.
Wakley, T.
Wallace, R.
Warburton, H.
Wilbraham, G.
Williams, W.
Winnington, T. E.
Wood, Sir M.
Young, J.

TELLERS.

O'Ferrall, M.
Seymour, Lord

On the question that the clause as amended stand part of the bill,

The committee divided: Ayes 112: Noes 40—Majority 72.

List of the AYES.

Adam, Admiral
Ainsworth, P.
Anson, hon. Col.
Attwood, T.
Bailey, J.
Baines, E.
Bannerman, A.
Barnard, E. G.
Berkeley, hon. H.
Blake, W. J.
Broadley, H.
Bruges, W. H. L.
Buller, C.
Busfeild, W.
Cavendish, hn. G. H.
Chalmers, P.
Childers, J. W.
Chute, W. L. W.
Clay, W.
Colquhoun, J. C.
Davies, Col.
Douglas, Sir C. E.
Duncombe, T.
Dundas, Sir R.
Eastnor, Visct.
Egerton, W. T.
Ellis, W.
Evans, W.
Fenton, J.
Ferguson, Sir R. A.
Ferguson, R.
Finch, F.
Gordon, R.
Graham, rt. hn. Sir J.
Greene, T.
Grey, rt. hon. Sir G.
Grimsditch, T.
Grote, G.
Halford, H.
Hastie, A.
Hawes, B.
Heathcoat, J.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hope, hon. C.
Hope, G. W.
Hoskins, K.
Houstoun, G.
Hurt, F.
Hutt, W.
Ingestrie, Visct.
Jervis, J.
Kemble, H.
Labouchere, rt. hn. H.
Langdale, hon. C.
Lascelles, hon. W. S.
Lister, E. C.
Loch, J.
Macleod, R.
Marsland, H.
Marton, G.
Mildmay, P. St. John
O'Connell, D.
O'Connell, J.
O'Ferrall, R. M.
Palmer, G.
Parker, R. T.
Parnell, rt. hn. Sir H.
Parrott, J.
Patten, J. W.
Pattison, J.
Pease, J.
Philips, M.
Philips, G. R.
Pigot, D. R.
Ponsonby, hon. J.
Power, J.
Price, Sir R.
Rolfe, Sir R. M.
Round, C. G.
Rundle, J.
Russell, Lord J.
Rutherfurd, rt. hn. A.
Scarlett, hon. J. Y.
Scrope, G. P.
Sheppard, T.
Slaney, R. A.
Smith, J. A.
Smith, A.
Smith, R. V.
Stanley, hon. E. J.
Stanley, Lord
Stanley, hon. W. O.
Stansfield, W. R. C.
Steuart, R.
Stewart, J.
Stock, Dr.
Tancred, H. W.
Teignmouth, Lord
Thomson, rt. hn. C. P.
Turner, W.
Vivian, J. H.
Walker, R.
Wallace, R.
Warburton, H.
White, A.
Wilbraham, G.
Wilbraham, hon. B.
Williams, W. A.
Wood, G. W.
Yates, J. A.

TELLERS.

Maule, F.
Parker, J.

List of the NOES.

Aglionby, H. A.
Archdall, M.
Ashley, Lord
Bainbridge, E. T.
Blackstone, W. S.
Buller, Sir J. Y.
Burrell, Sir C.
Darby, G.
Duncombe, hon. W.
Duncombe, hon. A.
Eliot, Lord
Ellis, J.
Fielden, J.
Fleetwood, Sir P. H.
Freshfield, J. W.
Heneage, G. W.
Henniker, Lord
Hindley, C.
Hodgson, R.
Lowther, J. H.
Mahon, Visct.
Morris, D.
O'Brien, W. S.
Plumptre, J. P.
Pringle, A.
Pusey, P.
Rae, rt. hon. Sir W.
Round, J.
Rushbrooke, Col.
Rushout, G.
Shirley, E. J.
Sinclair, Sir G.
Style, Sir C.
Talfourd, Mr. Sergt.
Thomas, Colonel H.
Thompson, Alderman
Vere, Sir C. B.
Williams, W.
Wood, T.
Young, J.

TELLERS.

Hinde, H.
Wakley, T.

Clause agreed to.

On Clause 12,

Mr. *Hindley* moved an amendment to

the effect that the hour and a half for meal-times be at any time.

The Committee divided on the amendment: Ayes 46; Noes 109—Majority 63.

List of the Ayes.

Archdall, M.
Bagge, W.
Bainbridge, E. T.
Blackstone, W. S.
Bruges, W. H. L.
Burrell, Sir C.
Chute, W. L. W.
Colquhoun, J. C.
Darby, G.
Duncombe, hon. W.
Duncombe, hon. E.
Eastnor, Visct.
Eliot, J.
Ellis, J.
Farnham, E. B.
Fielden, J.
Freshfield, J. W.
Gore, O. W.
Hall, Sir B.
Hardinge, rt. hn. Sir H.
Heneage, G. W.
Henniker, Lord
Hinde, J. H.
Ingestrie, Visct.
Kemble, H.
Lowther, J. H.
Mahon, Visct.
Morris, D.
Plumptre, J. P.
Pringle, A.
Rae, rt. hn. Sir W.
Round, J.
Rushbrooke, Colonel
Rushout, G.
Shaw, rt. hon. F.
Sheppard, T.
Shirley, E. J.
Sinclair, Sir G.
Smith, A.
Style, Sir C.
Talfourd, Mr. Sergt.
Thomas, Colonel H.
Thompson, Alderman
Vere, Sir C. B.
Wakley, T.
Williams, W.

TELLERS.
Ashley, Lord
Hindley, Mr.

List of the Noes.

Adam, Admiral
Aglionby, H. A.
Ainsworth, P.
Anson, hon. Colonel
Attwood, T.
Bailey, J.
Baring, F. T.
Bentinck, Lord G.
Berkeley, hon. H.
Broadley, H.
Brotherton, J.
Busfeild, W.
Byng, rt. hn. G. S.
Cavendish, hn. G. H.
Chalmers, P.
Childers, J. W.
Clerk, Sir G.
Davies, Colonel
Douglas, Sir C. E.
Duncombe, T.
Egerton, W. T.
Ellis, W.
Evans, W.
Fenton, J.
Ferguson, Sir R. A.
Ferguson, R.
Finch, F.
Fleetwood, Sir P. H.
Gordon, R.
Graham, rt. hn. Sir J.
Greene, T.
Grey, rt. hn. Sir G.
Grimsditch, T.
Grote, G.
Hastie, A.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hodgson, R.
Hope, hon. C.
Hope, G. W.
Houstoun, G.
Howard, Sir R.
Hurt, F.
Hutt, W.
James, W.
Kinnaird, hon. A. F.
Labouchere, rt. hn. H.
Langdale, hon. C.
Lascelles, hon. W. S.
Lemon, Sir C.
Lister, E. C.
Loch, J.
Macleod, R.
Marsland, H.
Marton, G.
Maule, hon. F.
Mildmay, P. St. John
Moreton, hon. A. H.
Morpeth, Visct.
O'Brien, W. S.
O'Connell, D.
O'Connell, J.
O'Ferrall, R. M.
Parker, J.
Parker, R. T.
Parnell, rt. hn. Sir H.
Parrott, J.
Pattison, J.
Pease, J.
Pigot, D. R.
Ponsonby, hon. J.
Price, Sir R.
Pusey, P.
Rich, H.
Rolfe, Sir R. M.
Rundle, J.
Russell, Lord J.
Rutherford, rt. hn. A.
Sanford, E. A.
Scarlett, hon. J. Y.
Scrope, G. P.
Slaney, R. A.
Smith, J. A.
Smith, R. V.
Stanley, hon. E. J.
Stanley, Lord
Stanley, hon. W. O.
Stansfield, W. R. C.
Steuart, R.
Stewart, J.
Stock, Dr.
Strickland, Sir G.
Tancred, H. W.
Teignmouth, Lord
Thomson, rt. hn. C. P.
Troubridge, Sir E. T.
Turner, W.
Vigors, N. A.
Wall, C. B.
Wallace, R.
Warburton, H.
White, A.
Wilbraham, G.
Wilbraham, hon. B.
Williams, W. A.
Wood, C.
Wood, G. W.
Yates, J. A.

TELLERS.
Patten, W.
Philips, M.

Amendment rejected.

Clause, with verbal amendments, agreed to.

On Clause 14, which authorises a deduction of not more than three-pence in each week from the wages of the child towards the payment of the schooling of such child, and on the question that the blank be filled up with the words three-pence,

Lord *Ashley* proposed that two-pence a-week be substituted as the amount of contribution.

The Committee divided on the original question, Ayes 51; Noes 96: Majority 45.

List of the Ayes.

Archbold, R.
Baring, F.
Beamish, F. B.
Berkeley, hon. H.
Blake, W. J.
Byng, rt. hon. G. S.
Childers, J. W.
Evans, W.
Fleetwood, Sir P.
Gordon, R.
Grey, rt. hon. Sir G.
Grote, G.
Hastie, A.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Howard, Sir R.
Hutt, W.
Lister, E. C.
Marsland, H.
Morpeth, Lord Visct.
O'Connell, J.
O'Connell, M. J.
O'Ferrall, R. M.
Parker, J.
Parker, R. T.
Parrott, J.
Patten, J. W.
Pease, J.
Pigot, D. R.
Ponsonby, hon. J.
Power, J.
Rich, H.
Rolfe, Sir R. M.
Rundle, J.
Russell, Lord J.
Rutherfurd, rt. hn. A.
Sanford, E. A.
Scrope, G. P.
Smith, R. V.
Stanley, hon. E. J.
Steuart, R.
Stuart, Lord J.
Stock, Dr.
Tancred, H. W.
Thomson, rt. hn. C. P.
Troubridge, Sir E. T.
Westenra, hon. H. R.
Williams, W. A.

Wood, C.
Wood, G. W.
Yates, J. A.

TELLERS.
Philips, M.
Maule, F.

List of the Noes.

Acland, T. D.
Aglionby, H. A.
Ainsworth, P.
Attwood, T.
Bagge, W.
Bailey, J.
Bainbridge, E. T.
Baines, E.
Bentinck, Lord G.
Blackstone, W. S.
Broadley, H.
Brotherton, J.
Bruges, W. H. L.
Burrell, Sir C.
Busfeild, W.
Chalmers, P.
Chute, W. L. W.
Clerk, Sir G.
Clive, hon. R. H.
Colquhoun, J. C.
Darby, G.
Douglas, Sir C. E.
Duncombe, T.
Easthope, J.
Eastnor, Lord Visct.
Egerton, W. T.
Eliot, Lord
Ewart, W.
Farnham, E. B.
Fielden, J.
Freshfield, J. W.
Gore, O. W.
Graham, rt. hn. Sir J.
Greene, T.
Grimsditch, T.
Hall, Sir B.
Hardinge, rt. hn. Sir H.
Henniker, Lord
Hinde, J. H.
Hindley, C.
Hodgson, R.
Hope, hon. C.
Hope, G. W.
Houstoun, G.
Hurt, F.
Ingestrie, Lord Visct.
James, W.
Langdale, hon. C.
Lascelles, hon. W. S.
Lowther, hon. Col.
Lowther, J. H.
Mahon, Lord Visct.
Morris, D.
Packe, C. W.
Plumptre, J. P.
Praed, W. T.
Price, Sir R.
Pringle, A.
Pusey, P.
Rae, rt. hon. Sir W.
Redington, T. N.
Round, J.
Rushbrooke, Colonel
Rushout, G.
Scarlett, hon. J. Y.
Shaw, rt. hon. F.
Sheppard, T.
Shirley, E. J.
Sinclair, Sir G.
Slaney, R. A.
Stanley, Lord
Stansfield, W. R. C.
Style, Sir Charles
Talfourd, Mr. Sergt.
Teignmouth, Lord
Thomas, Colonel H.
Thompson, Mr. Ald.
Thornely, T.
Turner, W.
Vere, Sir C. B.
Vigors, N. A.
Waddington, H. S.
Wakley, T.
Warburton, H.
White, A.
Wilbraham, G.
Wilbraham, hon. B.
Williams, W.

TELLERS.
Ashley, Lord
O'Brien, W. S.

Clause, as amended, agreed to.

On Clause 17, (Inspectors may declare schoolmasters incompetent,)

Mr. *Colquhoun* moved that that part of the clause conferring the power upon the inspector to certify the incompetency of the schoolmaster, should be expunged.

Mr. *F. Maule* thought that this was the only mode of regulating schools which could be adopted.

Lord *Stanley* said a few words in support of the amendment, and suggested that it was giving the inspector too much power to say that he might ruin a schoolmaster, merely upon the opinion which he might entertain of his competency.

Mr. *C. P. Thomson* thought that the probability of the abuse of the powers conferred upon the inspectors would be nothing in comparison with the difficulty that might be produced by the omission of this part of the clause.

Mr. *Grote* declared his opinion that this was one of the most salutary provisions in the bill, and that the amendment suggested by the hon. Member for Knaresborough would create little change.

Mr. *C. P. Thomson* requested the House to recollect, that under the present Act the inspectors had the effective power of disqualifying schoolmasters, for the salary of the schoolmaster or schoolmisstress was to be withheld whenever the inspector declared such person to be incompetent.

The Committee divided on the original question, Ayes 67; Noes 53: Majority 14.

List of the Ayes.

Aglionby, H. A.
Ainsworth, P.
Archbold, R.
Baines, E.
Baring, F. T.
Beamish, F. B.
Blake, W. J.
Brocklehurst, J.
Brotherton, J.
Busfeild, W.
Campbell, Sir J.
Chalmers, P.
Childers, J. W.
Duncombe, T.
Easthope, J.
Evans, W.
Ewart, W.
Fenton, J.
Ferguson, Sir R. A.
Fleetwood, Sir P. H.
Gordon, R.
Greene, T.
Grey, rt. hon. Sir G.
Grote, G.
Hall, Sir B.
Hawes, B.
Heathcoat, J.
Hinde, J. H.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
James, W.
Lister, E. C.
Macleod, R.
Marsland, H.
Morpeth, Lord Visct.
O'Brien, W. S.
O'Connell, M. J.
Parker, J.
Parrott, J.
Pigot, D. R.
Price, Sir R.
Redington, T. N.
Rich, H.
Rundle, J.
Russell, Lord J.
Rutherfurd, rt. hn. A.
Sanford, E. A.
Scrope, G. P.
Stanley, hon. E. J.
Stansfield, W. R. C.
Stewart, J.
Stuart, Lord J.
Stock, Dr.
Style, Sir C.
Talfourd, Mr. Sergt.
Tancred, H. W.
Thomson, rt. hn. C. P.
Thorneley, T.
Troubridge, Sir E. T.
Vigors, N. A.
Wakley, T.
Warburton, H.
Westenra, hon. H. R.
Wilbraham, G.
Williams, W. A.
Wood, C.
Wood, G. W.

TELLERS.
Maule, F.
Solicitor-General, Mr.

List of the Noes.

Acland, T. D.
Ashley, Lord

Bagge, W.
Bentinck, Lord G.
Blackstone, W. S.
Broadley, H.
Bruges, W. H. L.
Burrell, Sir C.
Chute, W. L. W.
Clerk, Sir G.
Douglas, Sir C. E.
Egerton, W. T.
Farnham, E. B.
Fielden, J.
Fellowes, E.
Freshfield, J. W.
Gore, O. W.
Graham, rt. hn. Sir J.
Grimsditch, T.
Hardinge, rt.hn.Sir H.
Henniker, Lord
Hodgson, R.
Hope, hon. C.
Hope, G. W.
Houstoun, G.
Hurt, F.
Ingestrie, Lord Visct.
Lowther, J. H.
Mahon, Lord Visct.
Morris, D.
Packe, C. W.
Parker, R. T.
Patten, J. W.
Pease, J.
Plumptre, J. P.
Praed, W. T.
Pringle, A.
Rae, rt. hon. Sir W.
Rushbrooke, Colonel
Rushout, G.
Scarlett, hon. J. Y.
Shaw, rt. hon. F.
Shirley, E. J.
Sibthorp, Colonel
Sinclair, Sir G.
Stanley, Lord
Teignmouth, Lord
Thompson, Alderman
Turner, W.
Vere, Sir C. B.
Waddington, H. S.
Wilbraham, hon. B.
Williams, W.

TELLERS.

Colquhoun, J. L.
Darby, G.

Mr. *Redington* proposed that a proviso be inserted in the clause, declaring that in such case where the inspector declared a schoolmaster to be incompetent that he should give a copy in writing of his reasons for his belief in such incompetency on the part of such master or mistress.

Mr. *Baines* thought that this would be giving a dangerous power to the inspector, as, by giving such reasons in writing, he might be brought within the operation of the law of libel, in a similar manner that the printer of that House had been.

Lord *Stanley* admitted the force of the objection of the hon. Member, but it applied equally to the former part of the clause, by which the inspector had to make a declaration of the incompetency of the schoolmaster, &c.

The *Attorney-General* did not think that even the Court of Queen's Bench would allow such a view to be taken of the subject, although he confessed, after what had taken place, that he felt great diffidence in giving an opinion.

Sir *J. Graham* conceived that this would evidently be considered a privileged communication, directed to be made by Act of Parliament, and therefore was not open to such an objection.

The proviso adopted, and the clause agreed to.

On the next clause being put,

Mr. *Darby* moved that the Chairman report progress.

Lord *John Russell* trusted, that the Committee would proceed with the remaining clauses respecting education. He certainly should feel it to be his duty to resist the proposition of the hon. Member.

Lord *Stanley* could not understand why his noble Friend could not as well consent to the Chairman's reporting progress now as after these clauses. The next clause would take some time to discuss, as several hon. Members had amendments to propose in it, and he believed the sense of the Committee would be taken on it. They had now been sitting in the Committee from half-past five o'clock to nearly one, and several Members had had no opportunity of procuring refreshment.

Lord *John Russell* did not conceive that there would be any lengthened discussion on these clauses after the time the last clause had engaged their attention. If they then adjourned, the whole subject of education would be re-opened the next time they went into Committee.

Lord *Ashley* could not understand why the noble Lord was so adverse to the discussion of the provisions of that bill. The noble Lord seemed to be very peppery on the subject of this bill. He should have some consideration for those sitting on the benches on that (the Opposition) side, as they had had no opportunity of getting any refreshment for several hours. He trusted that the motion for adjournment would be persisted in.

Lord *John Russell* was anxious that that bill should pass, as the other measures that he had introduced; he thought, therefore, that it was not justifiable on the part of the noble Lord to insinuate that he was actuated by sinister motives with respect to the bill, and although he often had similar charges thrown out against him, it could hardly be expected that he could be indifferent to such accusations. He had also been constantly charged with not proceeding with the business of the country; but was it surprising that delay arose when such impediments were thrown in the way of public measures.

Lord *Ashley* would remind the noble Lord, that the bill had been introduced on the 14th of February, and it was the 1st of July before they went into Committee on the bill.

The Committee divided, Ayes 34; Noes 49: Majority, 15.

List of the AYES.

Acland, T. D.
Bentinck, Lord G.

Broadley, H.
Brotherton, J.
Bruges, W. H. L.
Burrell, Sir C.
Clerk, Sir G.
Douglas, Sir C. E.
Egerton, W. T.
Fielden, J.
Freshfield, J. W.
Graham, rt. hon. Sir J.
Grimsditch, T.
Henniker, Lord
Hodgson, R.
Hope, hon. C.
Hope, G. W.
Ingestrie, Lord Visct.
Lowther, J. H.
Mahon, Lord Visct.
Morris, D.
Packe, C. W.
Parker, R. T.
Patten, J. W.
Praed, W. T.
Pringle, A.
Rushbrooke, Colonel
Scarlett, hon. J. Y.
Shaw, rt. hon. F.
Sibthorp, Colonel
Stanley, Lord
Waddington, H. S.
Wakley, T.
Wilbraham, hon. B.

TELLERS.
Ashley, Lord
Darby, G.

List of the NOES.

Aglionby, H. A.
Ainsworth, P.
Baines, E.
Baring, F. T.
Beamish, F. B.
Blake, W. J.
Brocklehurst, J.
Busfeild, W.
Campbell, Sir J.
Chalmers, P.
Childers, J. W.
Duncombe, T.
Easthope, J.
Fenton, J.
Ferguson, Sir R. A.
Fleetwood, Sir P. H.
Grey, rt. hon. Sir G.
Grote, G.
Hawes, B.
Heathcoat, J.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Langdale, hon. C.
Macleod, R.
Morpeth, Lord Visct.
O'Connell, M. J.
Parker, J.
Parrott, J.
Pease, J.
Philips, M.
Pigot, D. R.
Redington, T. N.
Russell, Lord J.
Rutherfurd, rt. hn. A.
Sandford, E. A.
Scrope, G. P.
Stanley, hon. E. J.
Stansfield, W. R. C.
Stewart, J.
Stock, Dr.
Style, Sir C.
Thomson, rt. hn. C. P.
Thornely, T.
Turner, W.
Vigors, N. A.
Walker, R.
Warburton, H.
Wilbraham, G.
Williams, W. A.

TELLERS.
Maule, F.
Solicitor-General, Mr.

The House resumed. Committee to sit again.

ECCLESIASTICAL APPOINTMENTS SUSPENSION.] Lord *John Russell* moved for leave to introduce a bill for the further suspension of ecclesiastical appointments. It was not, as he had stated the other evening, his intention to proceed further this Session with the Ecclesiastical Duties and Revenues Bill, and he therefore wished to continue the bill now in force for the suspension of ecclesiastical appointments for another year, with some slight alterations. He proposed to give power in certain cases to renew leases, the want of this power being now greatly complained of, and he proposed also, that where there should be vacancies in ecclesiastical preferments, they should be disposed of on the same principle as was intended by the Revenues Bill. Thus, if there were two vacancies in the dignitaries of the cathedral of Canterbury, and another vacancy should occur, he proposed that the third vacancy should be filled up.

Leave given.

BILLS OF EXCHANGE BILL.] The *Chancellor of the Exchequer* said, that some amendments had been made in the other House to this bill, which would render farther alterations necessary; and as the bill, after all these amendments, would be but an incomplete measure, he would ask leave to bring in a bill which should carry out the intentions of both Houses of Parliament in a perfect manner. In the meantime, he would not discuss the amendments made by the Lords, but when the House had both bills before them, they would be able to determine which was best.

Bill brought in and read a first time.

House adjourned.

HOUSE OF LORDS,

Tuesday, July 2, 1839.

MINUTES.] Bills. Read a first time:—Custody of Infants; Bankrupts (Ireland).—Read a second time:—Sugar Duties.

Petitions presented. By the Earl of Camperdown, and Yarborough, from several places, for a Uniform Penny Postage.—By the Marquess of Bute, from Dumfermline, for Church Extension in Scotland.

GOVERNMENT OF JAMAICA—SECOND MEASURE.] The House in Committee on the Government of Jamaica Bill.

On Clause 1 being proposed,

Lord *Lyndhurst* rose and said, that it was his intention to move that this clause should be expunged. In stating this to their Lordships, it would be necessary that he should declare the ground on which he proposed the amendment, and it would be necessary for him, although he would not do it at any great length, to enter into a view of this most important subject. He thought that it appeared from the bill which had been brought into the other House of Parliament, but which was afterwards abandoned, from the speech of the noble Marquess opposite last night, from the spirit and the tenour of that speech, and also from the observations which had fallen from the noble Viscount, that there was a disposition on the part of her Majesty's Government, if possible, to abolish the Assembly of Jamaica, and to substitute a new form of Government in lieu of that which had subsisted in that island during a period of nearly 200 years. A similar attempt had been made in the arbitrary reign of Charles the 2nd, but it was defeated, and now the attempt was repeated by the liberal Government of this day, and it had been defeated up to the present time; but he could assure the House, that if this bill in its present form were adopted, that object would be accomplished by a side wind which Ministers had not been able to carry into effect by a direct attack upon the Legislative Assembly of Jamaica. He did not for a moment deny that this House had the power of passing laws for the purpose of governing the island of Jamaica—he did not for a moment dispute that they had that right in cases of emergency and extreme necessity; but what he denied was this, that they had any right whatever to pass laws for the internal regulation of the affairs of the island of Jamaica, or of any other colonies, except in cases such as he had stated, namely, cases of necessity and extreme emergency. This was the doctrine which had always been held by all statesmen who had expressed any opinion upon the subject, and for the plainest of all possible reasons, which was, that the colonies were not represented in the Imperial Parliament, and Parliament, therefore, had no right to pass laws for their internal regulation. The Assembly of Jamaica had, as it appeared to him, been most unjustly treated in every part of this transaction. If their Lordships looked to the preamble of the bill, they would see stated in it the reason why they were called upon to enact this measure, but that reason was not accurately and fully stated. It was stated in the preamble of the bill that the House of Assembly in Jamaica had refused to exercise its legislative functions, except for the purpose of passing votes of supply. That was the proposition stated without any qualification; it was unlimited in point of time, and he contended was devoid of foundation. That was not the effect of the resolution of the House of Assembly, but that resolution was of a very different character. It stated, in fact, that the House of Assembly would not exercise its legislative functions, except for the purpose of passing supplies, until left to the free exercise of their rights as British subjects. It was obvious, therefore, that they had some cause of complaint, and that they called for its redress, and if they had been assured in conciliatory language that what had been done up to that time was not meant to be a precedent for future acts, what had taken place would not have occurred, and they would not have refused to exercise their functions. He was not there to support the resolutions of the House of Assembly. He thought them reprehensible, but he could not help recollecting that on former occasions, when their rights had been infringed, the same course had been adopted by their predecessors, and that that course had led to the remedy of the grievances of which they complained. There was another circumstance to which he would refer, arising out of what fell from the noble Marquess yesterday. He meant the allusion which he had made to the protest passed by the Legislature. He begged to declare his opinion, that considering the circumstances under which that protest was framed, it should not have been insisted upon, and descanted upon, so much at large by the noble Marquess. No person could condemn the adoption of the measure taken by the Assembly, or the insulting language used in it, more strongly than he; but he did not think that it was fair to appeal to it for the purpose of exciting the feelings of their Lordships against the House of Assembly in reference to circumstances totally unconnected with the matter to which it had reference. He begged to be allowed in the first place to remind the House of the effect of that protest which was adopted at the close of a Session when the greater number of Members of the House were gone to their homes, and, in fact, when about twelve only of them remained in Kingston. It was their act, drawn up by them, and, as he was given to understand, disapproved and condemned by the general body of the House of Assembly. He knew that this was communicated at the Colonial-office immediately after the document arrived in this country, and there could be no doubt that the noble Marquess was acquainted with the fact, and he thought that it was both unjust and unjustifiable to refer to it at such great length. Another circumstance, which was exceedingly material, was, that the protest was passed and adopted long before the measure which had given rise to the resolution had been adopted. It was passed long before the Prisons Bill was enacted, and of course long before it had arrived in Jamaica; and it was in respect of that bill, and of the consequences resulting from it, that these resolutions were to be referred, as well as the bill now before their Lordships' House. The protest, therefore, had no connection at all with this transaction. Then, with respect to the Prisons Bill, he must say, that another attempt had been made which he considered calculated to excite prejudice, unfounded prejudice—he meant the attempt to connect it with the bill for the abolition of slavery. It had no connexion whatever with that measure. It was in substance a transcript of the bill which was originally adopted in this country in the year 1835, he meant that bill which was carried for the ordinary regulation of prisons in this country, having nothing to do with a state of slavery, and adapted only to a state of freedom. When talking of the Legislative Assembly, he begged to remind the House, that the Prisons Bill contained three clauses; one of them gave to the Governor and Council the power to lay down and adopt rules for the management of gaols; the second gave the Governor the power to appoint inspectors; and the third gave a power to the Governor and Council either to visit or appoint other persons to visit, on special occasions, the gaols of the colony. These were the three substantial provisions of the bill. Under the first clause, by which the Governor and Council had the power to adopt regulations, orders, and rules, for the management of gaols, it was remarkable, that the Governor and Council had adopted precisely those rules and regulations which formed a part of the colonial bill of 1834, the rules and regulations adopted by them differing only in the very slightest circumstances from the rules which were in force in the colonies at the time at which the bill was passed. As to the power of appointing inspectors, the Governor had the power of appointing them under the former bill. If the Governor had thought proper to exercise that power, it was vested in him by the bill of 1834—that he distinctly asserted. Who were the inspectors that had been appointed? They were the stipendiary magistrates. The stipendiary magistrates were local magistrates, and therefore they came distinctly within the provisions of the bill of 1834. Again, under the bill of 1834 the Governor had the same power that he had under the English bill, to visit the gaols, or to order any other person at his discretion to do so when he thought proper. All the powers given under the English bill were substantially in the possession of the Governor in Council under the bill of 1834, if the Governor thought proper to exercise them. Then their Lordships were charged with having been the actors in the passing of the West-India Prisons Bill. He admitted that charge to be well-founded. He was in the House when the bill was introduced, but took no part in the discussion, and did not oppose it because he was not apprised of the circumstances out of which it originated. He was not then acquainted with the facts which appeared from the papers now on their Lordships' table—he was not then in possession of the facts which he had since derived from other sources. Had he been acquainted with them he should not have been silent, and he should have given that measure his warm, zealous, and determined opposition. They were told, that there was an indisposition on the part of the Assembly to legislate on the subject of prisons, and the noble Marquess had expressed great astonishment, that the learned counsel who had been heard at the bar should have controverted that proposition. He had looked at the papers that had been laid before their Lordships on this subject, and he must say, that not the slightest imputation rested on the House of Assembly in that respect. They had done all they could be expected to do. It was not his intention to go into the detail made by counsel at the bar, or to go through the whole course of documents and observations made by him, but he would call the attention of their Lordships to two or three facts, which would satisfy them, that what the learned counsel had argued was correct. In 1834, the attention of the House of Assembly was called to the subject of prisons, and an address was presented to Lord Sligo, who was then the Governor, telling him, that they would direct their attention to it immediately. They fulfilled their pledge — they appointed a committee— that committee prepared a bill—the bill was introduced and passed that Session, and it was pronounced on more occasions than one by Lord Sligo to be a most beneficial measure. That was the first step. What followed? Lord Sligo some time afterwards informed the House of Assembly, that in some of the parishes of the island the bill could not be carried into effect. The House of Assembly again appointed a committee, and found that representation to be true; and that the reason which rendered it impracticable to carry out the measure, was the want of pecuniary means, and they voted 42,000*l.* in aid of the parochial assessments for that purpose. That was not all. In the same Session a bill was passed relating to a similar object, and everything that could be effected was effected in 1834, to render the system effectual. Was it any reproach to the House of Assembly, that in that first effort for the purpose of establishing a good system of prisons, the system adopted was open to some objections? Their Lordships had themselves been employed on this subject during thirty years, and their labours were not yet completed. The House of Assembly entered honestly into the consideration of the subject. They passed a bill which was considered by every one in Jamaica as a most beneficial measure, and the moment that any point of difficulty was suggested to them, they directed their attention to the subject, and passed those subsidiary acts which were necessary for removing the obstacles which existed. Such was the state of things in 1834. Now what took place in 1835? Lord Sligo represented, that there were some defects in the system. What did the House of Assembly do? They appointed a committee immediately for the purpose of investigating the statements made by the Governor, and what was the result? They recommended that a bill should be introduced for the purpose of remedying these defects. While they were so employed, a message came from the Governor, laying before them the bill passed by their Lordships in 1835, together with three reports of different committees upon the subject of prisons. The committee directed their attention to these reports and to the provisions of the bill; and before they could read the reports, in the course of eight days from that time the House of Assembly was prorogued. Was it the fault of the House of Assembly that their measures were thus interfered with? No, it was not the fault of the House of Assembly, but it was the fault of Lord Sligo himself. It showed that Governors could commit errors as well as Houses of Assembly, for Lord Sligo had himself, on three distinct occasions, been guilty of a flagrant violation of the privileges of the House of Assembly, and it was on that account that he prorogued the House. The Governor was afterwards compelled to make a proper concession to the House of Assembly, thereby proving, in the most distinct manner, that he was wrong. This was in February, 1836; and what he had stated showed that in 1834 an effective and useful measure was passed by the House of Assembly in reference to prisons. In 1835 the House of Assembly again directed its attention to the subject, and in 1836, when they were considering what course should be further pursued, an end was suddenly put to their labours. Then what took place in 1837? Sir Lionel Smith, the Governor of the colony, directed the attention of the House of Assembly to the subject of prisons, and they did then what they had done on various occasions before, they appointed a committee to investigate the subject. They had no sooner done so, however, than a communication was made to them by the Governor. And what was the nature of that communication? He told them that he had ordered returns to be prepared and sent to him from the different parishes, and that when they were completed he would have them condensed and laid before the House. They were never laid before the House. Sir Lionel Smith never redeemed his pledge. He called on the noble Marquess, therefore, who must be acquainted with all the circumstances which he had stated, to look to this subject. The committee were sitting, and were proceeding with their duties, when they were interrupted by the message of the Governor, who promised that returns should be given to them, which were never produced, and he asked them whether it could be said that they had neglected their duties? But was that all? A portion of the despatch from Lord Glenelg to the Governor was laid before the committee, and what did that state? It said that the Prisons Bill would expire in 1840, and that before that time should arrive, it would be necessary for the House of Assembly to direct their most serious and earnest attention to this most interesting and important subject, with a view to produce an improvement in the system. Did not this, then, suggest that this was a subject which required much care and great attention, and that it would be necessary to complete the new measure before the year 1840? This was in 1837, and what was there to lead the House of Assembly to conclude that the Colonial Office expected it should be done immediately? The committee, however, continued its inquiries, and almost immediately afterwards Captain Pringle arrived, as a commissioner from the Government, to inquire into the state of prisons in Jamaica, and to report upon the subject —with what view, and with what purpose? To report, most obviously, for the purpose of laying a foundation for some future improvement in the system of prison discipline. It was quite clear, then, that the House of Assembly could not legislate without receiving a copy of the report. Captain Pringle, however, was allowed to leave the colony without presenting any report to that body; he came to this country, he presented his report to the Government, but no copy of it was ever sent to the House of Assembly. Could they then be blamed for not passing a bill, the inquiry still going on, and they having every reason to believe that they would be made acquainted with its result. But the facts were still more strong than that. Captain Pringle found fault with the construction of three prisons; the House of Assembly were prepared to alter them. "No," said Captain Pringle, "don't do that, but wait till the Government plan for new prisons arrives here, otherwise you may be throwing away your money." Was the House of Assembly to blame, therefore, in waiting for the material the Government had promised to furnish them with for the purpose of legislating? Now, these were the real facts, but notwithstanding the neglect on the part of the Government to furnish them with the information which they required, the committee still continued to sit, and the gentleman who was chairman of that committee prepared his bill, and was waiting for the information promised by the Government, when, to the astonishment of the island, and without any previous notice, the West-India Prisons Bill, which had been passed by their Lordships, arrived in the island. That bill was passed for the purpose of internal regulation; and this House had no right, according to the Constitution, to pass it. It was a direct infringement of the privileges of the House of Assembly. This he asserted most boldly and most broadly, and was there any one who could oppose such a declaration? He asked the House, then, whether it were surprised that the House of Assembly should have resisted? They knew what was the temper of the best constituted popular assembly when an indignity was offered to it, and were they surprised that the House of Assembly should have come to these resolutions, more particularly when they recollected that in two instances they had passed similar resolutions for the purpose of obtaining redress of their grievances, which had been granted to them? He repeated, that he was not there to defend the resolutions or the conduct of the House of Assembly, but he only stated these circumstances in explanation of their proceedings. This, however, was not all; the House had not only invaded the privileges of a popular Assembly, but had insulted that Assembly at the same time What was the nature of that insult? The bill arrived in Jamaica in the month of September. It was said to be necessary and urgent. It was not proclaimed until the end of the month of November, nearly three months afterwards. What took place in the mean time? It might have been expected that there would have been a line of conduct conciliatory in its nature adopted on the part of the Government: but no such thing took place, for not the slightest communication was made upon the subject to the House of Assembly. There was no conciliation—no apology. What had been done by the Governor of another colony under circumstances exactly similar? He alluded to the conduct of the Governor of Barbadoes, who was placed in a situation precisely like that of the Governor of Jamaica. Did he content himself with proclaiming the bill. Far from it. Lord Glenelg sent it out, with a most conciliatory dispatch to the Governor, with instructions that it should be communicated to the House of Assembly. It was so communicated to them, and it was accompanied by a most conciliatory message from the Governor. But it was to be remarked, that this took place a considerable time before the law was proclaimed in Jamaica,—it was known in Jamaica what had taken place in Barbadoes, and the inhabitants of the former colony were preparing for conciliatory measures being used, and supposed that they would be treated, under the circumstances, with the same consideration as their neighbours. But no; the law was proclaimed, and they were left to find it out. He asked then, with confidence, how the House of Assembly could be blamed for having passed the resolutions to which he had referred —not those alluded to in the preamble of the bill, but those which he had stated? Were not these strong and urgent, and, considering the whole tenor of the conduct observed with regard to them, he asked whether the House could be surprised at the proceeding which the House of Assembly had taken. So much for that part of the subject. But then it was said that these laws, which it was proposed to enact similar to the orders in council, were necessary for the island of Jamaica, in consequence of the change which it had undergone, and further it was said, that the Assembly of Jamaica would neither pass these laws, nor provide efficient and proper laws directed to this important object. This he had heard stated, and the noble Marquess, if he did not make it in direct terms, insinuated such a charge. What right had they to say that the Assembly of Jamaica would not pass these laws? What right had they to say, that the Assembly would not provide effectual legislation? Had it been tried? Had it had any opportunity of passing such laws? Had even a message been sent to the House of Assembly by the Governor? Nothing of the kind. Sir Lionel Smith said loosely, in one of his dispatches, that he did not think that the Assembly would pass a vagrancy law. But before they interfered, they ought to give the Assembly an opportunity of passing such laws, and to see whether they would adopt them. Till they did this, they had no right to make a change in the constitution of Jamaica, and if they did make such change, they would be wrong doers. The Assembly of Jamaica abolished the apprenticeship system two years before the legal period; the Assembly did this by its own voluntary act. He did not mean to say that the Members did not do it as a choice of difficulties; but they did that for which they were entitled to, and for which they had received, the distinct and emphatic thanks of the Governor. The Government said, that these acts were a necessary consequence of that abolition. Be it so. But if the House of Assembly passed the Act abolishing apprenticeship of their own free will, what right had the Government to say, that the Assembly would not, of its own free will, pass such laws as this change required? He said distinctly, that they had no such right: and when he spoke of the House of Assembly, he would recal to the recollection of the noble Marquess what Sir Lionel Smith, and the Marquess of Sligo had said in approval of the conduct of the Assembly. He would refer particularly to the language of Sir Lionel Smith in his address to the Assembly, at the close of the Session, when he had full opportunity of knowing the conduct of that body, and after he had been one year governor of the island. Sir Lionel Smith said, that he acknowledged with great pleasure the readiness and attention which the Assembly had paid to all his communications; he thanked them for adopting the plans he had suggested for the classification of the apprentices, and he bore testimony to the zeal with which they had applied themselves to the public business, and to the good understanding which had been apparent in all their proceedings during the Session. That speech was delivered a year after Sir Lionel Smith had been in the island, and he took it as a sample, though by no means the most striking sample of the encomiums which were passed by the Governors, both by the Marquess of Sligo and by Sir Lionel Smith, on the conduct of the House of Assembly. This being the case, he would ask, where was the pretence for passing the bill? And here he was not objecting to the whole bill, but the material clause in it. What were the grounds which had been stated for giving these powers to the Governor, by which they were about to create a new constitution, so far as related to the enactment of laws for Jamaica? They gave the Governor and Council the absolute and the arbitrary power of imposing the Orders in Council on the legislature of Jamaica. They took away the power from the three branches of the Legislature, and they transferred that power to two branches only. They not only gave to two branches of the Legislature, Governor and Council, the power of imposing the Orders in Council on the island, but they were to have the force of law, and that, without any possibility of repeal, or of alteration, or of modification of that arbitrary power which they gave to the Governor and Council. How would the Act stand if the House of

Assembly, the Council, and the Governor should not agree in passing laws directed to the same objects as the Orders in Council before the 1st of November? Why, that the Governor and Council would have the right of imposing laws on the island of Jamaica. Suppose the House of Assembly should be disposed to pass the best laws. Having all the local information, and all the knowledge that was necessary, let them suppose that the Assembly should be acting *boná fide*—suppose they should prepare a law founded upon long consideration, and framed to the best of their judgments—it would be sent to the Governor; and, if the Governor did not choose to give to it his assent, what would happen? The Governor and Council would have power immediately to impose laws on the island. If the Council should object to the law, they and the Governor would have the same power. Now, attending a little to things as they passed in that House and in the Colonial-office, he did not feel any great assurance that the Governor acting upon orders from the authorities at home, would assent to any law making any difference in its enactments from the Orders in Council. Indeed, he was persuaded, unless he shut his eyes to what was going on, and unless he closed his ears to what was generally stated, that such would be the instructions which the Governor would receive. Therefore, unless the laws passed by the House of Assembly should correspond with the Orders in Council, the Governor, by the advice of the Council, would substitute in lieu of those laws the Orders in Council. Had he then made out his position, that by this bill they were enabling two branches of the Legislature of Jamaica to pass laws? Were they not, by so doing, placing themselves in the wrong, and were they not violating one of the first principles of the constitution by transferring the power of the whole of the Legislature to a part only of the legislative body? But was that all? If once the Orders in Council were passed into laws, there was no power to alter or amend them. If the bill were read carelessly, it might appear that the House of Assembly would have power to pass or to alter such laws as they might think necessary, but he had shown that instead of the House of Assembly having any power to make such laws as they thought necessary, the power was vested exclusively in the other two branches of the Legislature; and with respect to any alteration, modification, or repeal of these laws, it was clear that it could not be done by the House of Assembly, which was only one branch, but that the consent of the Governor was required. In fact, an arbitrary and exclusive power was given by the bill, which, under no circumstances was he disposed to grant, and more particularly was he disposed to grant it when he considered that the conduct of the House of Assembly had been as he had pointed out in the course of his observations on the bill. He would not enter into a consideration of the proposed laws themselves; it was no part of his intention to discuss the laws comprehended in the Orders in Council; he had not the local knowledge which would enable him to do so with advantage; it was not necessary for his present object that he should do so. But, if one thing struck him in reference to these laws, it was with reference to the law of contracts. He found that no civil contract would be valid unless it was entered into in writing, and subscribed by the parties, but it must be entered into within the island of Jamaica. He found also that no contract of any description was to be in force for more than twelve months. Now, he was informed by persons connected with West-Indian affairs that it was the habit, and that it was necessary, that contracts should be entered into in this country with artificers and workmen to go out to Jamaica, and he was persuaded that no such persons would go out unless a contract with the masters was previously signed, nor unless it could be maintained for a longer period than twelve months. He alluded to the case of coopers, and other artisans of that description usually sent over from this country. He could show many more of the evils of these orders, but he passed them over as not being necessary for his view of the case. There was, however, another clause in the bill to which he would revert for a moment, and he would put it to the noble Lords opposite, whether they would not see the propriety of their own free will of abandoning part of the clause. Seven of the bills therein mentioned were money bills, and he was told by those acquainted with the colony, that it was not necessary to renew these bills. There were funds amply sufficient for the conduct of the civil service of the island without passing this bill, which was a direct infringement of the declaratory act of one of the fundamental laws of the empire. This part of the bill was unnecessary, and it was doing gratuitous injustice, because the House of Assembly distinctly stated that they would exercise no legislative functions except such as might be necessary for preserving faith with the public creditor. The House of Assembly was content to renew these laws, and how could they pass the present bill when the Assembly said that they were willing to keep faith with the public creditor? Could they say, that the House of Assembly would not renew these laws? Could they make that assertion in the face of the actual statement of the Assembly, when they said that they were ready to renew these laws. Had they given them any opportunity from the month of December up to the present time? From the 20th December to the present day, no opportunity had been afforded to the Assembly to renew these laws? They gave the Assembly no opportunity to renew them, and now the Parliament proposed to renew them on its own authority, in violation of one of the first principles of the constitution, and of one of the fundamental laws of the empire. He threw this out for the consideration of noble Lords, and he thought that they should not in decency maintain this clause, but that they ought to abandon the whole bill. He was not, however, making that proposition. What course did he recommend? He recommended a course of conciliation. He disapproved of the resolution of the House of Assembly, but he wished to give the House of Assembly an opportunity of rescinding that resolution, and of retracing its steps. Give them, he would say, that opportunity. The Government had begun to conciliate, they had removed Sir Lionel Smith, who was a warm partisan; this was the first step towards conciliation; let the new Governor deliver but a conciliatory speech on the opening of the House of Assembly, and he would pledge himself, from all the information he had been able to obtain from the island, that there would be an end to the unfortunate state of things that now existed between the parent state and the colony. Give the Assembly, he said, the opportunity to do this, and if they did not avail themselves of it, then would their positions be changed, the Government was in the wrong now, the Assembly would be in the wrong then, and when they refused, all parties in this country would be ready and willing to unite in removing the evil; but at least give the Assembly the trial. What objection was there to such a course? He had heard of none. It was said, that the bills were urgent—that time was material—that the bills ought to be immediately passed. He denied this necessity. Even if this bill were passed, the laws could not come into effect before November. If the House of Assembly held out, if it refused to pass laws, the Governor and Council could not act before November. At that time it would not be long before the Imperial Parliament would meet, they would be apprised of the conduct of the Assembly, and before March laws most effective would be imposed without a dissentient voice. What loss would there be in time? Just four months; and was that loss an object? Let them look at the case of the Vagrancy Bill. Would any inconvenience result from the delay in reference to vagrancy? There was no vagrancy now in the island of Jamaica; it might grow up. If the negroes refused to work there might be vagrancy, but there was none now. It was not necessary, therefore, to pass the Vagrancy Bill for four months. Was he without authority upon this point? Lord Glenelg had ordered an inquiry to be made into the amount of vagrancy from the expiration of the apprenticeship system up to the end of the last year; the return from every district, without an exception, was "*nil;*" there was not a single vagrant throughout the whole population. What was the reason, then, why the Government said, they would press this bill with the knowledge, that it was not urgent—to be derived from the documents to which he had referred? Then, with respect to the illegal occupation of the land, the same observation applied. If the negroes would not work, there might be that illegal occupation of land which was called squatting, and it might be necessary to remedy the evil; but that system had not commenced. What, then, was the great evil occasioned by the want of those measures for the next four months, that they should be content to change the constitution, and to introduce the orders in council? Let them wait for four months. By thus doing they would be acting wisely—they would be acting judiciously; instead of being wrong themselves they would be placing the House of Assembly in the wrong if they did not avail themselves of it. Upon these grounds—upon this principle—he proposed the extinction of the first clause *in toto*. They were not pressed by circumstances to pass this bill; they should not force the Assembly of Jamaica by this bill to do that which they would otherwise accomplish. It should be their object to give the Assembly time to legislate, to give them an opportunity of applying their local knowledge, and not to pass a bill which should only be adopted in a case of emergency. He was sure, that they would pursue the wise course, by pursuing a temperate and a conciliatory course; it would be the forbearance of the powerful towards the comparatively weak; it was the expedient course—it was the dignified course, and he was persuaded, that the Imperial Parliament ought to adopt it. The noble and learned Lord concluded by moving, that the first clause be expunged.

Lord *Glenelg* had not had the advantage of hearing all that had fallen from the noble and learned Lord. The noble and learned Lord had said that the Prisons Bill was no part of the Abolition Act. What he had ventured to state the day before was, that the Prisons Bill was, in fact, identical with the Abolition Amendment Act, which had been passed last year with the complete concurrence of that House. Perhaps he had misapprehended the sort of reasoning of the noble and learned Lord, but it seemed to him as if the noble and learned Lord supposed him to have argued that the bill was necessarily a connection of the first Abolition Act. But his argument the day before was, that the Prisons Billwas, in truth the same bill as the Abolition Act Amendment Bill, because the merits of that bill had been discussed in passing that act, and the same approbation which had supported the Abolition Act Amendment Bill had also supported the passing of the Prisons Act. But he took the liberty of saying, notwithstanding what the noble and learned Lord had said, that it was not to be disputed that the House in acceding to this Prisons Bill and Abolition Act Amendment Bill did in truth undoubtedly, and in fact, give its approbation to the Prisons Bill. But the noble and learned Lord had stated, that the Prisons Bill was, in truth, nothing more than a transcribing of the act of 1835 of this country. But the observation to which he was peculiarly adverting was when the noble and learned lord adverted to the Jamaica Bill of 1834; and he stated, that in that bill was contained the substantial provisions embodied in the Prisons Bill, and the noble Lord argued therefore, that it was a superfluous infraction of the West-India constitution to introduce that Prisons Bill. What was the difference between these two measures? The act of 1834 in its general provisions and enactments, though open to amendments, was not an executive measure. It had received the approbation of the Government, and it had expressly admitted that the bill was entitled to approbation. But he had stated yesterday, and he begged their Lordships to observe this distinction, that the great evil of the Prisons Act of 1834 was this, not that it failed in enactments, not that it failed in principle, not that it failed in provision —all right, all perfectly correct, in classification, in cleanliness, separation, ventilation, religious instruction,—all this was as strongly provided for as in any Act cast in any Parliament. But he had stated, and with submission to the noble and learned Lord he would re-state it, that with all these most just provisions that Act was a dead and powerless measure because it had no principle of execution, because it had no adequate executive principle. The noble Lord told them that that Act had precisely the provisions which the Prisons Bill had, namely, that it gave the governor the power of appointing inspectors. With the greatest submission he begged to deny that position from first to last. There was not even a loop hole for giving that power to the governor.

Lord *Lyndhurst* said, the noble Lord did not understand what he had said. What he had said was, that the visiting magistrates were local magistrates. The stipendiary magistrates were now inspectors; the stipendiary magistrates were now local magistrates, and the moment they were appointed local magistrates they became visitors and inspectors under the bill of 1834. That was what he had stated. The noble Lord was not present at the time.

Lord *Glenelg* believed he was. But the noble Lord had then enumerated three particulars in which he said the Prisons

Bill exactly corresponded with the act of 1834. He thought he was correct in stating that. He thought that the noble Lord said that the Prisons Bill allowed the Governor to make regulations for the prisons?

Lord *Lyndhurst* did not state that. Did the noble Lord wish that he should state again what he then had stated? He had stated that, by the new Act, the West India Prisons Act, passed by that House, the Governor and Council were authorized to make rules and regulations for the government of prisons. He had stated that the Governor and Council under that Act exercised that power, and had adopted the very rules and regulations which formed part of the Act of 1834.

Lord *Glenelg* was about to mention that very point. But there were two other particulars in which the noble Lord said the Prisons Bill did no more than the Act of 1834. [Lord *Lyndhurst:* one, that the Governor had a power of visiting gaols,] And under a local magistracy the power of inspecting.] [Lord *Lyndhurst:* Yes.] He admitted the fact of the transfer of these rules from the Act of 1834, and it did not in the slightest degree militate against his statement. He stated that the Act of 1834 was unobjectionable. The great object of the Prisons' Bill was, (not that the rules of the Act of 1834 were bad) to put in execution the rules of the Act of 1834, which gave no means of putting them in execution. In a dispatch of his, dated May, 1837, he stated:

> "The Gaol Act of the Jamaica Legislature, passed in 1834, recognizes in the preamble as the basis of prison regulation, classification, separation, superintendence, regular labour and employment, and religious and moral instruction, as essential to the discipline of a prison, and to the reformation of offenders; but the salutary provisions of this statute appear to have been imperfectly administered, and those principles would seem in practice to be almost entirely disregarded."

And he afterwards stated—

> "I cannot close this dispatch without adverting in a more direct and especial manner than I have hitherto done to the evidence afforded by a comparison of the law respecting prisons with the practice and the actual condition of them; that the Legislature on the subject is paralyzed throughout by the fatal circumstance of the act containing no adequate executory provisions. Its execution depends upon the parochial authorities and the justices; and it appears to be proved by experience that so long as it shall be solely intrusted to those functionaries it will be inoperative. Were it possible to anticipate that a fair degree of operation would be obtained for such enactments through this agency, there is no way in which his Majesty's government would more gladly see the objects accomplished; for it is of great importance to every community that the gentry and other persons of respectability should be engaged in voluntary efforts of this nature, and that those efforts should be assisted by the Government rather than that any other agency should be substituted; but if no such effort can be relied on, it then becomes the duty of the Government to consider what other means can be adopted for the accomplishment of purposes which cannot be abandoned or neglected without incurring a grave responsibility.

Now, that was precisely the statement which he had made yesterday, and which he begged leave to repeat. He asserted, that the Act of 1834 had no one provision for execution whatever. It was impossible for the legislative authority in any manner to carry out the efficient execution of that Act, and the result proved that to be the case, for while that Act was in operation, it was continually disregarded, as was notorious, in their despatches and in all the letters to the Governor. The fact was, that the Prisons Act was utterly powerless. Lord Sligo and Sir Lionel Smith brought under the notice of Government, instances of workhouses and prisons in which the regulations adverted to in that Act were utterly unknown; and Captain Pringle, on a subsequent inquiry, had stated precisely the same thing—that with few exceptions, the codes of rules were not known in the prisons and workhouses. The various regulations respecting cleanliness and ventilation, and separation, were really unknown and unheard of; and therefore the Act was in a manner perfectly powerless. It was an act on their statute-book to which the House of Assembly could refer, and assert that there was an act for the government of prisons; but if they asked where were the workhouses and prisons in which the beneficial effects of this Act were to be seen in any cleanliness, or in any religious instruction, the answer was, the mass of the prisons and workhouses were as utterly ignorant of the existence of this Act as if it had never existed. Then that Act wanted an executive principle, and therefore it was not extraordinary that the Government should take the regulations from the act of 1834; the point was to execute them. But he begged to state further, that the noble and learned Lord had omitted to advert to two very material enactments in the Prisons Bill, which were not at all touched in the Act of 1834; the one was, that the Governor had the power of dismissing the officers and workmen on their being guilty of misconduct, which was a most material enactment; and the other clause was, that the governor was to signify when any prison was unfit for receiving prisoners, and that from that moment that prison should not receive any more. That was an exceedingly beneficial measure. It was not an uncommon practice that the prison-houses and workhouses were so ill-built, that the prisoners were obliged to be put in chains and attached to each other, and to be kept during the night in chains and in stocks; in short, in addition to the sentence of imprisonment, they added the sentence of torture. And how could they tell him, when an Act of this description remained on their table, that the population, who were crowded day and night into hot-houses, into workhouses, into prisons, into cells, and other places, not by the sentence of any magistrate, and not punished at the direction of any superior authority, but at the direction of the prison keeper, who at his own will and command inflicted on any person what degree of confinement and pain he thought right in his discretion to do, would be satisfied under such a measure? And who were the persons intrusted with the care of the gaols, and what were they in respect of character? They had each a gaoler and a supervisor, each of whom might be of respectable character; but the person generally intrusted with the management of these prisons, was a person who was termed a "boatswain," who was generally a convict for life. It appeared from the report of Captain Pringle, that sometimes the gaoler, the supervisor and their wives, were absent on business for three or four days, and the whole of the prisoners were then left in the charge of the officer called the "boatswain," and who was generally a man of bad character. It was notorious that the sexes were not separated, except at night; that they were during the whole day together, and the person who locked the females in their cells at night and let them out in the morning, was the "boatswain". This was the species of religious instruction given to them. Look to the earnest and strong appeals which had been made year after year in succession by the Marquess of Sligo and by Sir Lionel Smith. What were those appeals? Were they for a new bill? No. They were distinctly for such specific measures as might suffice to remove a state of things, not of doubtful or questionable tendency, not of a nature about which there ought to have been room for any the smallest hesitation or delay, but a state of things the existence of which was disgraceful and atrocious, which could not but be deemed disgraceful and atrocious by any man, or any set of men. What were the subjects of complaint? They were the flogging of females; they were cruelty to males; they were deaths by starvation of offenders in the prisons of the island. What was complained of by the successive Governors of Jamaica was this, you send a female to prison for certain offences, and while you think that you thereby impose a sentence proportioned in severity to the nature of her offence, it is in effect, and, in fact, torture, to which you subject her—it is the infamous curse of the lash which you cause her to endure. He would refer to a despatch of the Marquess of Sligo. The noble Marquess wrote to him, in 1836, to this effect:—

> "I will apply, in pursuance of your instructions, to the House of Assembly, to concert some remedy for the evils connected with the subject of prisons and prison discipline in this island; but there is no chance of their acceding to any satisfactory measure."

The noble Marquess afterwards applied to the House of Assembly, and what was the result? He said,

> "I did apply to them, and the subject has been referred to a committee; but since I applied to them, no fewer than forty cases of an aggravated description, arising out of the state of the prisons, have occurred. There have been, among these, cases of the grossest cruelty to females; cases of the grossest cruelty to males; cases of persons who have died in confinement from the treatment they have received; cases of persons who have been left four days without food; cases of persons who, having had medicine ordered them, had suffered severely, because the medicine was not given them, in consequence of the boatswain being absent, although the gaoler and supervisors were at their posts."

These, and such cases as these, were what had occurred, and were enough to harass and outrage the feelings of every man. Having thus, as he had shown, repeatedly called upon the House of Assembly, not to go out of their way, not to pass a new Bill, but to do barely what the simplest dictates of humanity pointed out, the House of Assembly was called upon to enact some measure providing that females should not be subjected to the lash and to insult in these prisons; that the male prisoners should not be subjected to cruelty; that human beings should not meet their death in prison from wanting necessary medicines, which could not be administered because the boatswain did not do his duty. Was it not deplorable to find that when people died in consequence of their treatment in those prisons, the grand jury should return for verdict "Died by the visitation of God!" A glance over the particular points which had been again and again referred to the House of Assembly of Jamaica by the Governor, under instructions from the Government at home, would more particularly show the imperative necessity which had arisen for interference on the part of the Imperial Parliament to effect some remedy for this state of things, which it was disgraceful to suffer to continue, because it was revolting to the commonest humanity. As the Marquess of Sligo said, the Prisons Act, when it was communicated to the House of Assembly, was by them referred to a committee of their body. Now, on this, their Lordships would observe, that all through every Session of the House of Assembly for three or four years references of important subjects were continually made by the House of Assembly to these committees. But the cases to which he had referred were atrocities such as could not be suffered to go on, and he had said, that they must be put an end to. But how was this to be done? If, as the learned Lord (Lyndhurst) said, the special magistrates, invested with power from the governor, and armed with all the means at his disposal, had repeatedly endeavoured to penetrate these receptacles of horrors, but had been repeatedly repelled, and repelled, as it was said, according to law, then the particular result of this statement of the noble and learned Lord was an admission that under this act of 1834, the governor had no power of inspection over the prisons. But the cases he had referred to were not the worst; in 1836 came out the most atrocious of all the atrocious cases that had occurred in these workhouses. Well, to the House of Assembly, which had met in 1835, and which continued in existence throughout the whole of 1836, the subject was again referred, but referred in vain. They excused themselves. The medical inspectors of workhouses, they said, had failed to perform their duty. On the 21st of February, 1837, Sir Lionel Smith sent a message to the House, recapitulating all the atrocities of the prison system which had come to the knowledge of Government; calling attention to the despatch of the Secretary of State in which reference was made to some correspondence between the Marquess of Sligo and the Secretary of State relative to the adoption of means for the improvement of the condition of the apprenticed labourers generally, and expressing a wish that the House would enter upon the subject of prisons and workhouses and that they would take some method of putting a stop to the system of treatment which apprentices met with, when committed to prison. In March following the Assembly returned, for reply, the following statement:—

> "If the House were at all cognizant of the existence of abuses in the gaols and houses of correction, which require legislative interference, they would most readily go into a revision of the laws which regulate those establishments; but without such facts before them, impressed as they are with the belief that the Marquess of Sligo was much misled, that the representations put forward by him of workhouse punishments were greatly exaggerated, and that the existing laws, if duly enforced and fairly acted upon, were sufficient to prevent abuses, the House deem it unnecessary to deal with the subject at present, particularly as the session is so near its close."

They went on to state that they believed the inspectors were legally excluded, and they concluded that, on the whole, it would be better to defer the consideration of the subject until the next Session. This was in March, 1837. During the succeeding twelve months fresh instances of cruelty came to light; among others was the case of Williams, which he had mentioned to their Lordships before; and the Governor consequently returned word that these cruelties were completely proved to exist. With respect to the case of Williams he (Lord Glenelg) protested that when he at first heard it he could not believe anything so atrocious could be possible. Now this document of the Governor was public to all Jamaica; the facts stated in it were made the subject of animadversion in the British Parliament; they had been made the subject of general conversation in the island; they had been held up to notice by two most hon. magistrates there; they had been the theme of every man who advocated humanity in Jamaica; and yet when Sir Lionel Smith suggested, that the House of Assembly should adopt some measure to take away the stain which these cases fixed upon their country, to abolish this perpetual torture to which they subjected the black population, what did the House of Assembly do? They referred the matter to a committee. That committee made a report on which he would remark presently; but in the mean time he would take upon him to say, that under this evasive method of proceeding on the part of the House of Assembly, the Act of Emancipation was a perfect mockery, unless the Legislature of this country stepped in, and took measures for carrying it into execution. The Government thought that they had too long delayed to put a stop to the power and the practice of inflicting these cruel torments on the apprentices, which had not been exercised even in the state of slavery. But what steps did the committee of the House of Assembly take? He ought to say that before they concluded their sittings, he had written to Sir Lionel Smith, desiring that some measure might be recommended to the House of Assembly for putting a stop to these abuses, and intimating that, if something were not done by the Assembly, a bill having that object would be proposed to the Imperial Parliament. In November, Sir Lionel Smith announced this to the Assembly, who referred it to the same committee. And Sir L. Smith told him (Lord Glenelg) that though he could not communicate officially what was the decision of the committee, their report not yet having been then made, that there was very little hopes of coming to a decision favourable to the wishes of the Government at home. And so it turned out. The committee recommended no measure. The House adjourned in December until the 20th of February, which was tantamount to putting off the settlement of the question till then, as the Committee could not report sooner. Indeed, according to the established usage, it might be questioned whether they could report at all, not having reported before the adjournment; for the House was in the habit, on making recommendations of subjects to the consideration of committees, never to re-appoint those committees after adjournments. In this case, too, the committee had met in November, and sat great part of December without making any report. The House separated for the holidays, and not one word was heard of this bill. In 1838, the Imperial Parliament passed the Prisons Bill, and then it was, according to the noble and learned Lord, that a committee of the House of Assembly was appointed on this very subject. But, in fact, not one word was heard about it. Last year, when they met, the House of Assembly then for the first time discovering it, expressed hostility to the Prisons Act—then for the first time transpired the state of their feelings as to that statute. Then Mr. Jordan, the chairman of the committee he had mentioned, to the surprise, he believed, of the House, stated that he had, in consequence of what had taken place in the committee, prepared a bill; that it was nearly completed; but that he met with so many difficulties as had greatly retarded him and rendered it impossible to present the bill before the succeeding Session, when he was resolved to bring it forward. That was precisely the course which the House of Assembly had pursued from year to year. Under these circumstances, he should have been negligent of his duty, if he had deferred any longer to press upon their Lordships, as he did, the necessity of interposing to take effectual measures for carrying out the Emancipation Act. He was not aware that there was any other topic to which he ought to refer, except it were the subject of the proclamation of the Prisons Act. The proclamation, according to the noble and learned Lord, did not take place till November, the House of Assembly having met on October 30th. But Sir Lionel Smith said, in his despatch of the 25th of September, that he had received the Act on that day, and the proclamation bore the same date.

The Marquess of *Normanby* said, that when he gave way to his noble Friend, he was not aware that he would have confined himself so exclusively to what was immediately connected with the transactions which occurred during the time he was in office. After the indulgence which their Lordships had given him last evening, he should not feel it necessary to enter at any considerable length into the topics touched upon by the noble and learned Lord opposite; and he felt absolved also from making any remarks upon that portion of the subject which had been since so largely answered by his noble Friend—he meant as to the Prisons question, which had been suffered to remain stagnant by the House of Assembly, and to which little effect would ever have been given but for the active intervention of the British Parliament. The noble and learned Lord had alluded to the tone in which he had advanced those arguments which he had thought necessary to address to their Lordships. Now, he never did conceal that he thought the best remedy, during the most important crisis of the great experiment now at issue in Jamaica, was, not what the noble and learned Lord had said—a complete, absolute, and perpetual change in the constitution of Jamaica—but a suspension of the legislative functions of the House of Assembly till that experiment should be carried out to its legitimate extent, and until the emancipated population should have obtained due protection, and have formed those habits which were adapted to their altered condition. Three attempts were made to induce the House of Assembly to adopt the necessary course of legislation to secure protection to the negroes under their altered circumstances; but they absolutely refused to take into consideration any of those measures which were immediately requisite to the success of the great experiment of emancipation. He thought that the bill first proposed in the House of Commons would have been the best for effecting the objects desired. That having been known to be his opinion, he thought it necessary, in justification of the measure first proposed by the Government, to state what had been the different acts of the Assembly, and what had been their general conduct with reference to the general question of emancipation. The noble Baron opposite (Lord Ellenborough) had said, that in doing this, he (the Marquess of Normanby) had exhibited a degree of warmth and intemperance. It was possible he might have assumed a more hostile feeling than was usual, but after reflecting on what he had said, he could not accuse himself of having used any one intemperate expression. But was not the language of the House of Assembly intemperate? Was not their protest, were not their resolutions, couched in terms that must convince every one of the intemperance of that Assembly? The noble and learned Lord alluded to the protest, and said that it did not immediately apply to the question under consideration. He only quoted that protest with a view to show the temper in which the House of Assembly regarded the Prisons Act. It was said, that the House of Assembly referred the Prisons Act to a committee. Why that was the very thing of which the Government complained—a reference of the bill to a committee was the result of all the appeals made to the Assembly. Again, the noble and learned Lord said, that the House of Assembly was well informed upon all those matters to which the Prisons Bill related. Was it so? Then it must have been well informed of all those horrible atrocities and cruelties which had been detailed to their Lordships. He would not hurt their Lordships' feelings by again alluding to them; but in the papers on the table there would be found details of acts of cruelty practised in the gaols in Jamaica, not only towards men, but towards women, which, if recited to their Lordships, would harrow up their inmost feelings. The flogging of females was then well known; and surely it did not require any very lengthened deliberation to determine whether it were proper or not that such a system should continue. It could not be necessary for the House of Assembly to suspend all legislation for four years to determine whether the practice of flogging within a workhouse in Jamaica was proper or not proper. He would now address himself to the amendment moved by the noble and learned Lord. The noble and learned Lord stated, that he could not, in the first place, admit that these laws were so absolutely requisite, and if so, why not leave it to the House of Assembly to pass them? How did they know (said the noble and learned Lord) that the House of Assembly would not pass them? Now, in the first place, he knew they would not, because the House of Assembly had said so. They had told their Lordships in their resolutions, that they would not enter into any of these topics, or any points, however urgent, until their Lordships and the other branch of the Legislature had done that, which, he trusted, they never would do—namely, own themselves to have been in the wrong in adopting that legislation which his noble Friend (Lord Glenelg) had shown was absolutely, immediately, and urgently necessary. But he had another reason for knowing, that the House of Assembly would not, at least, pass such a contract-law as would be satisfactory to this country, or give that protection to the newly-emancipated population which those who originated that great measure deemed it right so see secured to them. He had this admission from the learned gentleman who spoke so eloquently and ably on behalf of the Legislature of Jamaica at their Lordships' bar. That learned Gentleman declared, that the House of Assembly would never pass any law for regulating contracts which should allow of any interference on the part of the stipendiary magistrates. Upon that point the Government and the House of Assembly joined issue. He longed for the day when such interference should be no longer necessary; but he felt, that he was speaking the opinion of all the generous people of England, who had always evinced so much sympathy for that unhappy population, that the time was not yet come when the negro could be abandoned to the care of those who were interested not in his case, but who had an interest directly contrary to his. For his own part, he certainly would never, when touching upon this subject, endeavour to separate the interests of one class from another. On the contrary, he felt the utmost conviction, that the interests of all parties must henceforth be the same. But it was essential, that, in making a law of contract, the emancipated population should have confidence in the tribunal to which they must appeal. Without doubt a security for continuance of labour was necessary for the interest of the planter; but that security could not be obtained without some system of legal contract being established. But there was proof on their Lordships' table, that the negro would not now enter into any such contract, because there existed no law on the subject on which he could place confidence. It was, in consequence of the absence of a good contract law, that labour at the present moment was so irregularly performed in Jamaica. This being so, then, if the House of Assembly would not pass a law which would give confidence to the negro, he contended, that a case was at once established which not only justified but called for their Lordships' prompt interference. As to the manner in which protection and security were to be given to the negro, whether by some individual authority, or by the existing stipendiary magistrates, or otherwise, he should be quite satisfied to take that question into consideration, after receiving the report of that able and excellent person whom he had been fortunate enough to induce to undertake in the present crisis the government of Jamaica. As to any other point, he would only observe, that it was not necessary in passing any law in pursuance of this ordinance, that it should be *in totidem verbis*, but that provisions should be framed in accordance to the ordinance so far as local circumstances made them applicable. He trusted a time would come when all these transactions might be left to their usual mode of action in all settled communities; but till that time arrived, he would not consent to abandon that power which the constitution gave the Imperial Parliament. Besides, there was no hardship in making such an interposition. It was but just, that, on the part of an uneducated and ignorant population, the stipendiary magistrates should have a power to interpose their authority and protection. With respect to the observations of the noble and learned Lord on that part of the ordinance relating to artificers, and to the necessity of making their contracts in Jamaica, he would say, that it was a point fairly open for subsequent consideration. It was not necessary, that he should now enter into a reply to the arguments of the noble and learned Lord on the subject of the second clause. He rather expected that some motion would be made in reference to that clause when it came under consideration; but he completely dissented from the opinion, that the present fund would be sufficient for the public service in Jamaica, especially when items which could by no possibility have been provided for by the Assembly were taken into account. He alluded particularly to the sums due to the public creditor. There were many other items of great importance unprovided for, and which the people of this country would have to pay, unless special provision were made for them in Jamaica. He would only say one word on the subject of the phrase used by the noble and learned Lord when speaking of Sir Lionel Smith. The noble and learned Lord said, that Sir Lionel Smith was a violent partisan.

Lord *Lyndhurst*: I said that he was not a violent partisan.

The Marquess of *Normanby*: That he was a partisan.

Lord *Lyndhurst*: The expression I made use of was, that he was certainly not a partizan of the Assembly.

The Marquess of *Normanby*: When the noble and learned Lord alluded to the—

Lord *Lyndhurst*: I beg to say, I do not know any thing of Sir Lionel Smith, and if I used an expression too strong on the occasion, I readily retract it.

The Marquess of *Normanby* was perfectly ready to accept what the noble and learned Lord stated. All the evidence that had come before him proved that Sir Lionel Smith had discharged his duty most efficiently, and most zealously, while in Jamaica. He was not to continue in the administration of the Government of that island, a person in the civil service, and of great eminence, having undertaken that task; but he did hope, that the country would still be able to avail itself of the services of Sir Lionel Smith, and he had no doubt that that Gentleman would acquire, in such service, the same degree of credit he had hitherto acquired.

Lord *Brougham* was sure, that if any noble Lord had entered the House after his noble and learned Friend had spoken, and had thus lost the satisfaction of hearing the whole of his speech, in the same way as his noble Friend behind him (Lord Glenelg) said he had entered the House while his noble and learned Friend was speaking, and had thus lost the satisfaction of hearing a great part of his speech; and if, consequently, he had only heard the speech of his noble Friend, he would have said it was a most impressive, a most eloquent speech upon a subject of great importance, but which was all over some years ago—a speech upon what had passed in Jamaica, in 1834, and in England in 1838. For it consisted of an attack on the proceedings of the Assembly of Jamaica in 1834, and of a defence of an act of the British Legislature in 1838; but his noble Friend had not said one word on the present question—on the bill, the details of which they were discussing in committee. At the same time, he did not think it at all unnatural, that his noble Friend should have entered into those subjects to which he had addressed himself. He having reprobated the Assembly for passing of an insufficient act in 1834 —which he (Lord Brougham) entirely agreed with him, seemed defective for not having an executive principle in it, and also having brought in a supplemental act to supply that defect, by introducing the Prisons Bill of last year—nothing was more natural than that he should have adverted to those measures; but undoubtedly he agreed with the noble Marquess, that the speech of his noble Friend did not touch the present question, except very remotely. The noble Marquess having no connection with the act of 1834, and very little with the act of 1838, after hearing a most impressive and powerful attack upon the present bill, upon almost every point of constitutional law, and upon almost every point of fact, addressed himself exclusively to a vindication of the measures with which he had no connection, and said not a word in reference to the proposal now under the consideration of the House. He did not think that the noble Marquess had succeeded in giving any tangible reason in support of the present measure, or even in justification of it. Their Lordships now came to the question, whether the first clause of this bill, left wholly without defence by its propounders that night, was one which merited their Lordships' approbation, and ought to receive the assent of that branch of the Legislature? To which question, as related to the first clause of the bill (being by far the most important part of the whole measure)—to which question, as disposed upon all occasions to limit his assent to measures of this extreme nature, of this unconstitutional character and hateful aspect—measures which were begun, continued, and ended in illegal violence and usurpation; to which question, as limiting his assent to, nay his tolerance of, all such measures to the absolute necessity of each case, he felt bound to answer, No. When a measure came up to that branch of the Legislature adopted by a majority of the other—when the Representatives of the people, who ought to have as great a care of constitutional principles as the Peers of the realm, had acceded to a measure—when he found the clear and decided opinion of the other House of Parliament expressed in favour of any particular measure, he would not say, that he should feel his opinion bound by theirs, but, at all events, he should approach the subject with deference—with respect—with more than tolerance, even if it were an unconstitutional proposition; and with reluctance and hesitation should he ask their Lordships to record their dissent from the opinions of the Representatives of the people. So it was when large majorities of the other House had sent up bills as heretofore in the years 1833 and 1834; so it was even when bills came up recommended by only a small majority of that House, as in 1835; so it might be when other measures should come up, if under the present dispensation their Lordships should ever see measures sent up from the other House with large or even respectable majorities—with such majorities as would entitle him to say that the House of Commons had pronounced its opinion decidedly—as would induce him to believe that the measure had received the sanction and authority of the Commons of England—as would lead him to know that he had to grapple with a case which was supported by the decided, the unequivocal, the clear, the plain, the intelligible opinion of the Commons of England, expressed by anything like a fair, reasonable, undeniable, essential, clear, indisputable majority of its Members, and not as it were by a mere chance medley, by an inconsiderable—might he say by a contemptible?—majority; in such a case—when he found the opinions of the Commons clearly and decidedly expressed, he might not feel bound to give up his own opinion, but at all events he should consider himself bound to speak upon the question with deference and respect, to examine it with delicacy, to attack it with hesitation—if possible to agree with it—not lightly or inconsiderately to differ from it. He should not feel justified in treating a question backed by the authority of the House of Commons as if it were a new question propounded in their Lordships' House for the first time. But how was it with a measure which should have been agreed to by the narrowest possible majorities—by chance medley—by circumstances which seemed almost, if not entirely accidental—where the turn of the scale was obtained by the lightest dust flung into the balance; wavering, quivering, shaking in the air, so that the eye could hardly see which scale preponderated—when neither kicked the beam. How was a measure so passed by the Commons to be regarded? With what weight did it come before their Lordships? Take, for instance, the first clause of the present bill. How had the Commons dealt with it? Were they unanimous in its support? If not unanimous, was there a strong majority in its favour? Far from it. The Commons had carried the clause by a bare majority—by a majority so small as scarcely to deserve to be called a majority at all. The bill came up to their Lordships as if the Commons had expressed no opinion upon it—had given no decision—interposed no authority. It came before their Lordships as if the opinion of the other House upon it had been hardly decisively formed—hardly intelligibly expressed—hardly distinctly communicated. It came backed by a majority so slight as to be almost imperceptible, except to the strongest organs of vision—supported by arguments so vaguely, so unintelligibly, so feebly expressed, as to be inaudible, except to ears of rarest acuteness. It came to them in a shape and under circumstances which left it in doubt whether the other branch of the Legislature had formed any opinion whatever upon it. [*laughter.*] This might appear ludicrous; but it was no fault of his. He stated the case—he stated the fact; and if there were in it anything ridiculous, anything exciting laughter in quarters which ought always to command serious respect—if there were anything ludicrous in legislation carried on, or affected to be carried on, in such a way as that, it was melancholy to think that such was the mode of disposing of the interests of a great nation. It was next to a positive negation of the legislative functions of the Imperial Parliament—it was next to an abdication of Parliamentary power and privilege—it amounted to an absence of all government which deserved to be called government, or at all events to the prostration of all government which ought to command, by deserving to receive, the respect of the people of the country. It was no light or laughing matter that they should be placed in such a situation. Or, if it became laughable and ridiculous in statement, it was melancholy, grievous, lamentable, and serious, upon reflection and in contemplation. The practical inference which he deduced thence, as bearing upon the present functions of their Lordships' House, was of high importance. In proportion as he should be slow to urge their Lordships into a conflict with the other House of Parliament where there was a clearly expressed opinion of a decided, commanding majority—in proportion as he should be slow to touch a work (the workmanship of lawgiving) supported by a firm and steady hand, and guided by a firm and steady purpose, by the co-ordinate branch of the Legislature, the representatives of the people; in precisely the same proportion he had a right to call upon their Lordships not to regard a measure which came up to them backed by so small a majority as had supported the bill in the present instance—not to regard it any more than if the other House of Parliament had never formed a determination, or pronounced a judgment, or interposed any authority upon the question at all. With all possible respect for the House of Commons, he considered that he had a right to approach the discussion of this first clause of the bill just precisely as he should have done—as freely, as unfettered as if it had now been proposed to that House for the first time by a Minister of the Crown; and as if it were backed solely by the authority of that Minister instead of the authority of the House of Commons. He came now tó consider the question and the grounds upon which it was proposed. He had already stated that the noble Lord behind him (Lord Glenelg), in arguing upon the Act of 1834 and the Prisons Act of 1838, had argued a question which had only a limited bearing upon the present measure. He did not deny, that it had some bearing upon the measure, because it appeared from the noble Lord's statement that it was the conduct of the House of Assembly in passing the Act of 1834, then refusing to pass the Prisons Act, and subsequently, when that measure was pressed upon them, suspending, or, as it was justly and properly called, abrogating their legislative functions during the late Session of 1838—it appeared from the noble Lord's statement, that that conduct on the part of the Assembly was made the pretence, the apology, for suspending the constitution of Jamaica. Now, he would admit, for argument's sake, every thing that had been said against the Assembly in reference to its conduct upon the measures of 1834 and 1838. His objection to the Prisons Act of last year was, as he stated when the measure was under their consideration, not to the Act in general, not to its interference with the legislature of the island, but to that particular section of it which, by compulsion, forced the Jamaica Assembly to raise money for certain purposes. But now, for the sake of argument, he would waive all objection to that Act—he would suppose it to be expedient—to be wholly unexceptionable. Neither of those admissions, as must be perceived by every one, could be regarded as a sufficient justification for the suspension of the constitution of Jamaica. Those two admissions involved only this—that the Imperial Legislature was right, and the Colonial Legislature wrong in that one particular instance; but instead of justifying the Imperial Legislature in suspending the constitution of the colony, it only justified the Imperial Legislature in taking a totally different course—namely, the course taken upon the Prisons Bill—that of doing in this country what the colonists refused to do for themselves—performing duties which they refused to perform—applying the wisdom of the British Parliament to matters which the folly or obstinacy of the Colonial Parliament refused to consider itself. Then it was said, that the House of Assembly in Jamaica had gone a step further; that they had performed an act of abdication, because they had come to a determination not to pass any laws except those which keeping faith with the public creditor required. Now, as a general proposition he did not mean to maintain that no refusal to legislate on the part of the Jamaica Assembly, or of any other Colonial Legislature, would justify the Imperial Parliament in providing a substitute; in supplying another Legislature for them. He could fancy a case of misconduct—of *non feasance* or *mis feasance* on the part of a Colonial Legisture—which would justify such a proceeding on the part of the Imperial Legislature; but all depended upon the fact whether in the present instance such a case had arisen as bound the Imperial Legislature to take that extreme, violent, and unconstitutional course. He maintained, that they would not be justified in resorting to such a step until the actual state of things in Jamaica left no man of rational understanding any power of denying that it was absolutely necessary. And here he must again advert to the narrow majorities by which the present bill had been carried in the House of Commons. If it were a case upon which 600 rational men had no doubt in their own minds; if it were a case upon which a great majority of 600 rational men had no doubt, the matter would come before their Lordships in a totally different shape. But if the necessity for adopting a measure like the present were so extremely doubtful; if the opinions of 600 rational men were poised in such equal scales, necessity in the one scale, needlessness in the other, that the scale of needlessness was almost on a level with the scale of necessity; if he found of those 600 rational men only a majority of ten, of one sixtieth part of the whole, who thought that a case had been made out against the colony, was he then to consider himself justified in violently and despotically suspending the constitution of that colony? God Forbid! If these 600 men were not only rational men but Representatives of the people of England, it made the necessity stronger, that the expression of their opinion should be clear, distinct, and unequivocal. But there was another circumstance which ought not to escape their Lordships' attention. Most of these 600 men, who said that there was no necessity for the adoption of so severe a measure towards Jamaica, were those very men, who, upon a former occasion, had shown that they were disposed to listen most readily to a proposition for suspending the constitution of a colony, upon the ground, that the local Legislature, the provincial House of Assembly, had refused to perform its legislative functions. What if he found, that 300 of those men, who, a year ago, at the bidding of the Government, were so ready to suspend the constitution of the Canadas—who showed so little of intemperate zeal in support of Canadian and colonial rights—so little of indisposition to listen to statements of misbehaviour on the part of colonial assemblies—what if he found that 300 of those very men who, one short year ago, had so little hesitation upon the case presented to them in suspending the constitution of Canada, were now without exception of opinion, that no sufficient proof had been given of misbehaviour on the part of the Assembly of Jamaica, and that there was no ground whatever for suspending the constitution of that colony? Surely, whatever his (Lord Brougham's) own individual opinion might be, he must regard such a circumstance as affording sufficient ground to induce him to pause before he assented to such a proposition as that involved in the measure then before the House. Surely their Lordships must regard it as affording the strongest conceivable argument against the extreme necessity which was alleged to exist in this instance. Surely it must convince them that the condition of the colony, and the conduct of the Assembly, were not such as to demand the adoption of so severe, so arbitrary, so despotic a measure. So stood the fact. He did not mean to say anything in vindication of the conduct of the Jamaica Assembly. He knew that aforetime their conduct was not such as to entitle them to respect. He did not say, that he approved of their conduct in the present instance. It did not form any part of his argument to hold that the Jamaica Assembly had in all respects acted temperately, wisely, and discreetly. Far from it. But there was a wide difference between that admission and saying that they had so entirely abdicated their functions, so inflexibly resolved not to resume them—so irrevocably expressed their determination—as to warrant the Imperial Legislature in taking them at their word, abolishing their legislative powers, and transferring them to an officer appointed by the Crown. It was of the nature of such assemblies, from their very composition, that they were not always actuated by the same enlarged, enlightened, calm, and temperate views which guided assemblies differently originated and differently constituted. He must be a most romantic man and a most unreasonable judge of human conduct, who, taking into consideration the extreme difference of circumstances between a colonial assembly and a Parliament of imperial structure, should expect from the former anything like the consistency, the temperance, the enlarged wisdom, which he might reasonably and naturally look for in the latter. Colonial assemblies would ever and anon be causing such conflict, now with a governor, now with the Home Government, now with one another, now even with themselves, now with the mother country, and, lastly, with the Imperial Legislature. These things must be expected—their Lordships must lay their account in hearing of them—they must overlook the occasional ebullitions of local and provincial temper—must not regard with a severe and threatening brow the parish vestry views which local legislatures would sometimes take, nor listen with a jealous and offended ear to the intemperate and unbecoming language in which those views might be advanced. Their Lordships must lay their account with these things; and remember the wise lesson given to the Parliament of England by the mature experience, the enlarged and comprehensive sagacity, the genius for affairs which adorned and distinguished the first Lord Chatham—a lesson which thus given, and coming thus recommended, was in an ill-fated hour rejected by Parliament, and thence the evils of the American war, and the severance of those mighty provinces from the British Crown:

> "Be to their virtues ever kind,
> Be to their faults a little blind,
> Let all their acts be unconfined,
> And clap a padlock on their mind."

Such was the lesson read by Lord Chatham. He knew, however, that the reputation, the genius, the sagacity of Lord Chatham were a matter of ridicule amongst the greater statesmen by whom one was surrounded in the present day; but he (Lord Brougham) had an old-fashioned respect for Lord Chatham, whom the country used to venerate, and to whom he believed it was still indebted. He thought that Lord Chatham's advice was founded upon statesmanlike wisdom, and was strictly applicable to the colonies at the present day. He thought also that the recommendation of his noble and learned Friend opposite ought to be attended to; he thought that the Imperial Parliament ought to adopt and pursue, as long as it possibly could, a temperate and conciliatory course towards Jamaica. What was the provocation in the present instance? One act—one resolution referring to one subject, arising out of one mortification, the result of one expected slight—was all that the Imperial Legislature had to deal with—was the only ground, the only pretended ground, of the present measure. Was there, on the part of the Jamaica Assembly, a refusal to legislate altogether? No such thing. They agreed to pass all laws which the public credit required; and only suspended their functions in other respects until the pleasure of the Crown might be known upon the matters in dispute. Was this a general abrogation of their functions? Was there any reason to suppose, that if the present bill were refused, the House of Assembly would not come back to a sense of their duty, having time for reflection, and feeling that there was a disposition to treat them with kindness and conciliation in this country? If his noble and learned Friend (Lord Lyndhurst), upon a former occasion, did not, as now, agree with him, he had reason to lament it. All his noble and learned Friend's dislike to suspending constitutions—all his aversion amounting to constitutional horror of any measure which proposed to transfer to a single dictator the powers which properly belonged to a legislature—all that he had last year ventured to express with respect to Canada—less strongly, no doubt—certainly much more feebly in point of effect, than his noble and learned Friend had that night expressed with respect to Jamaica; he confessed, however, that he could not for the life of him, perceive—he might be mistaken—his noble and learned Friend would set him right if he were wrong—he could not, for the life of him, perceive, why there should have been such a facility in taking away the constitution from 580,000 whites and freemen in Canada last year, when there was this year so great a reluctance to take away the constitution from 300,000 whites and free inhabitants in the island of Jamaica:—that he could not understand. Perhaps his noble and learned Friend would explain the matter to him. He never could discover that the House of Assembly of Canada had done anything worse than the House of Assembly of Jamaica, and yet his noble and learned Friend certainly did not support him last year when he endeavoured to preserve to the former the rights which his noble and learned Friend was now so anxious should not be taken from the latter. [Lord *Lyndhurst*: I do not think I was in the House at the time]. He greatly lamented his noble and learned Friend's absence; and he also greatly regretted, that all the letters which his noble and learned Friend wrote to his Friends, urging them to come down to support the Canadian question, and to support him in the proposition which he then made upon the subject, had no effect. Not one of them gave him a vote. He protested against the present bill upon precisely the same grounds and in precisely the same words as he had last year protested against the Canada Bill. Every word of the protest which he had entered upon their Lordships' journals against the Canada Bill would apply with equal force against the measure then under their consideration. He found, however, that a distinction was attempted to be drawn—a distinction embodied in the speech of the noble Marquess last night, who spoke of the badness of the constitution of Jamaica, and mentioned as one of its chief defects the exclusion of the population from a voice in the representation. He said that the House of Assembly represented the property, not the population of the colony. If the noble Marquess advanced that as an argument against the existing constitution of the House of Assembly, he was undoubtedly putting forward a doctrine which did not savour much of finality. If population, as represented or not represented in a legislative assembly, or a body calling itself a legislative assembly, were the main test whether that body had a right to call itself by that name or not, then what became of the House of Commons of Great Britain and Ireland? It represented property; but as to population, 99 out of every 100 of the inhabitants of the country were not represented; yet nobody spoke of suspending the legislative functions of Great Britain and Ireland. Property, no doubt, was sufficiently represented in the Imperial Legislature; but population was trampled under foot. The honest, industrious, ingenious, intelligent artisan—the hard working, well deserving, well thinking labouring population, whether in London or in the great manufacturing and commercial towns of Liverpool, Manchester and Birmingham, were as entirely without a vote in England as the emancipated negro was in Jamaica. Yet it would not be denied, that the English artisan was as free as the West India negro, for whom so much sympathy had that evening been expressed at the expense of his white fellow citizens. Was he then to turn his back upon the Jamaica House of Assembly, which was just as much part and parcel of the constitution of the colony as the House of Commons was an integral part of the constitution of Great Britain and Ireland? If the evil to which the noble Marquess alluded really existed in the colonial constitution, he hoped that the present bill would be withdrawn, and that another would be substituted in its place, extending the elective franchise to those branches of the population which were now excluded from it, and thereby preventing the House of Assembly from deserving any longer the name of a borough Parliament. But whence came this new born anxiety for the vindication and assertion of the rights of the negro—whence this new born distrust of the Jamaica Legislature which had come over their Lordships' House, including her Majesty's Government upon a recent occasion? Was there ever a time when it was more imperatively necessary to interfere for the protection of the negro than in the last Session of Parliament? Was there ever a moment when there existed a greater or more urgent necessity for stepping forward and rescuing the negro from the tyranny of his master, than in the last Session? Had their Lordships an opportunity afforded them of doing so? Again and again he (Lord Brougham) had brought forward question after question upon the subject; but never upon any one occasion was he supported by those who were the framers of the present measure. There was no objection to leave every thing to the Jamaica legislature last year; no objection to leave to that Assembly, hardly to be called a body of legislators, seeing that they represented only property and not population, the settlement of the most important matters. The reply to all his (Lord Brougham's) importunities was "Oh leave it to the Colonial Legislatures —no doubt they will deal honestly and fairly with all these matters." His predictions upon that head had to a certain degree been fulfilled, and now the tone of the Government was completely altered. The argument of his noble and learned Friend (Lord Lyndhurst), as applied to the present bill, was this: "Wait till the Colonial Assembly is clearly and indisputably in the wrong—keep yourselves indisputably in the right—then you will have the people of this country with you, and the House of Assembly of Jamaica would yield as they did under similar circumstances in 1838." He (Lord Brougham) fully concurred in that argument; he for one entertained no doubt that the House of Assembly would do so—he had no manner of doubt of it; but if he were not certain of it, this was not the manner in which he would interfere. He took leave to lay this down as a proposition that would admit of no dispute: that a constitution once given, but especially if it had been enjoyed for two hundred years, ought on no account to be suspended. Let it be altered, modified, improved in any way that it might seem to require; let it be adapted from time to time to existing circumstances; but let not the Government or the Legislature interfere to suspend it altogether, to abrogate it *in toto*, except in case of absolute, extreme, over-ruling, undeniable necessity, a necessity about which no two men could entertain a doubt. What signified it to him that there were defects inherent in the constitution? What signified it to him that it was not popular enough? At all events it was much more popular than the constitution which it was proposed to substitute in its stead. At all events an assembly elected by a part of the people was more popular than a Governor in Council appointed by the Crown. That was clear. Whatever the faults of the existing constitution might be, it was, at all events, the constitution of the colony, and the people of the island were friendly to it, and it the present differences between the assembly and the home Government, took part with their Representatives. He admitted, that the Assembly was not as well constituted as it might be, but it was an elective body, and must to a certain degree be taken as representing the feelings, the wishes, and opinions of the people of the colonies. Now, as to the conduct of the House of Assembly on the Prisons Bill, he admitted that they were wrong, and we were right. He admitted that they were so altogether for the sake of argument, and, to a degree, in point of fact. But what happened on that occasion? What was the majority which rejected the measure? Was it a small one? Was this step taken in consequence of the preponderance of a single vote? No such thing. The opinion pronounced broadly, clearly, definitely, and distinctly, was confirmed by a majority of twenty-five; a majority resembling rather our majorities of 1833 and 1834, than those of 1839. The minority, who did not adhere to the constitutional ground relied upon by the rest of the Assembly, consisted only of five. The Governor, invested with the undoubted authority of the Crown, determined on an appeal to the constituent body, a course which (he might remark in passing) proved that he did not think those elections such farces as some of our statesmen had described them to be. Otherwise, why should he appeal to the people? He expected that the people would give a different verdict from the Assembly, and thus appoint another Assembly more suited to his views. What happened? As in Canada, the minority was, on a dissolution, changed into a majority; instead of the minority in Jamaica increasing it was lessened fourfold. That minority, which was five before the dissolution, after the appeal to the people, and as the result of that appeal, amounted to just one! Instead of dividing twenty-five to five, the Assembly carried the vote by twenty-nine to one. So that the Governor having appealed to the sense of the country, what was before carried by a great and overwhelming majority was now carried with one single, solitary, dissentient voice. It was no light matter to treat a community in the way in which he imagined they were now disposed to treat the people of Jamaica. It was a course not to be recommended. It was, on the contrary, one infinitely to be deprecated, anxiously and by all possible means to be avoided, and only to be embraced in the last instance, and after every means of delay, conciliation, and negociation had been tried and exhausted in vain. It was said, that we were not legislating for the colonies ourselves, but delegating our legislative functions to another body. This was his objection to the measure. If the Assembly did not do their duty, we could do ours and theirs for them by one and the same act, and at one and the same time. If they did not pass proper laws of regulation and police, such as the Contract Bill and the Vagrancy Bill, we might make such laws; and that he should like infinitely better, or rather disliked far less, than the course now proposed. For he must observe, that he differed from his noble and learned Friend (Lord Lyndhurst) who had laid down more widely than he thought right, and who, in appearance rather than in reality, pushed his opinion too far, when he said that we had no internal right of legislation as regarded the colonies. He maintained, that we had an undoubted right of legislation over all the colonies of the Crown. If there was the least doubt on this point, he could remove it by referring to the declaratory Act of the 4 George 3rd (independent of the common law) which said, "that Parliament has, and of right ought to have, full power and authority to pass laws and statutes of sufficient force to bind all colonies and plantations subject to the Crown in all cases whatever," internal as well as otherwise. That Act had never been repealed;

it had never been doubted; and the only solitary instance in which it was at all departed from was the 8 George 3rd, which confined the abrogation of the power to taxing exclusively. He, therefore, held that our right to legislate for the colonies was clear and undeniable. It had been exercised over and over again; and if any evidence were wanted of the fact, he should refer to the most important, and (independent of the Prisons Bill) the most recent Act passed by the Home Government—he meant the Emancipation Act—as a proof of our entire and absolute right to legislate internally for the colonies. Now, then, his proposition was this—instead of delegating powers of this sort to a dictator, we ought to legislate for the colony ourselves. And why could we not do so? What difficulty prevented it? Oh, said the opponents of this course, "there are details connected with the subjects of legislation which cannot be entered into by persons living at the other side of the Atlantic." This was utterly unfounded; it could not be set forth as true in point of fact. Look at the preamble of the Act. It contained in its bosom the contradiction to this proposition. All the questions with regard to which we were about to delegate our authority, the Vagrancy Bill, the Squatting Bill, the Contracts for Labour Bill, had been the subject-matter of detailed and anxious legislation, by orders in council issued to the other colonies; and if they must be applied in this colony, we could put them into the form of a British Act of Parliament, and pass them after having submitted them to the wisdom of the Legislature. Why did he prefer this course? First, because it was less offensive to the colonists than that which they now adopted, which was a course most galling, grating, and insufferable in their eyes; by which their Governor was made a tyrant, and which gave them, who, as freemen, had a right to be governed through their own representatives, over to absolute and despotic authority. That was one reason, and what was the other? He did not like to entrust absolute power to any man. He knew how corrupting was its influence; how it turned the steadiest head and steeled the tenderest heart. He would not trust to the feelings or judgment of any man who was long armed with a dangerous, noxious, uncontrolled despotism, as bad for him who wielded it as it was painful to those against whom it was enforced. He would then, in the first place, confide in the wisdom of Parliament. He would infinitely rather have any measure which was to be enforced on his fellow subjects in the West Indies brought into Parliament, discussed by the representatives of the people, undergo the scrutiny of the Peers of the realm, with all the lights of information, experience, knowledge, and liberal attainments which belonged to such assemblies, than put it in the hands of a single man, always liable to error were he the wisest; and if he were the wisest, and armed with despotic power, the chance of his abusing it innocently and unintentionally, but unavoidably, through the weakness of human nature, would be infinitely greater than if so many persons less accomplished, less instructed, and less sagacious, were, after discussion and deliberation, to adopt the same course of proceeding. Let it not be supposed (though he had given these several reasons for preferring that course to this, though he had stated these grounds of his opinion that that course was the best, or rather the least bad), that he meant to argue that they had any right to adopt even that course unless a case of necessity was clearly substantiated. He did not think that that necessity existed in the present case. He might have some doubt about that; but no such necessity could be justly alleged to exist as would justify the suspension of a representative assembly, and the substitution of a despotic form of government. These were the grounds (he wished that justice to his feelings had permitted him to state them more short) on which he came to the opinion that it was impolitic, unjust, highly inexpedient, and altogether unwarranted to adopt the first and leading clause of this measure. One word as to the point adverted to by his noble and learned Friend. This act did not work out its own purposes: it professed to do one thing, while it did another wholly different. It professed to suspend the constitution of Jamaica. And until the legislature of Jamaica passed certain acts, it professed to arm the governor with a despotic power, and this, only in the event that the assembly continued to abdicate its functions. But suppose the Assembly said, "we are willing to retrace our steps; we repent what we have done; we will no longer persist in the applications we have made; we are willing to resume our functions, and to pass the laws which you require;" does it follow that the governor will cease to have despotic power? The Governor had only to refuse his assent to the bills which had passed, and whatever were the ground of his opposition, were it general, or confined to a single particular, if it did not pass into a law, the power of the Governor was attacked, and he was invested with an absolute control over legislation. Or, if he feared to undergo the entire responsibility of such a course, he might share the odium with his council; and thus this preposterous and ill-constructed act gave him a despotic power in every case, though it was meant to confide it to him only in case the Assembly persisted in its present disposition. One word more as to the limited extent of this measure. If the story were true that the composition of the Assembly was such that it represented nobody, and that the representatives were not persons of weight and respectability in themselves; and if this bill were passed only to help the emancipated negro and not to help the master, they ought not to select one colony for its operation. Was Barbadoes so differently circumstanced from Jamaica? Was its Assembly so much more respectable? He believed there were a few more resident proprietors representatives, but there was not such a difference as to justify the distinction which had been taken. But what became of all the smaller islands?—Nevis, Mountserrat, and Antigua, where by far the greatest atrocities were committed under slavery and the slave trade, and where the inhabitants, instead of taking part with the victims of the masters' cruelty, took part with the masters themselves, where jurors refused to find bills in such cases as those of Huggins and Hodges, and where the planters and their wives and daughters associated with the murderers? There was no such bill for Nevis; there was no such bill for the countrymen of Hodges, for the countrymen, the patrons and patronesses of Huggins; and yet this confined, casual, accidental, capricious legislation was adopted, with the professed object of demonstrating our resolution to act on an enlarged, enlightened, and liberal policy, for the sake of benefiting the negro, and not of injuring them. I trust (continued the noble and learned Lord) whoever may have neglected their duties, that your Lordships will do yours, and that you will refuse to suspend the constitution of Jamaica because we have come once into collision with the Jamaica Assembly; but that if you see in point of fact, a ground for resorting to an extreme remedy, you will take one which is a specific for the mischief which is acknowledged (as this is pretended to be designed), and interpose by the wisdom of Parliament, instead of the appointment of a dictator. I hope, too, you will teach my noble Friends behind me, the Liberal Whig constitutional Government, this memorable lesson—to let the suspension of a constitution—to let the abrogation of the people's rights—to let the extinction of representative government, not be on every occasion the easy remedy to which, to save trouble, they have recourse, but to reserve such proceedings for extreme cases of absolute, overruling, and undeniable necessity.

Viscount *Melbourne:* The noble and learned Lord has addressed your Lordships at great length. The noble and learned Lord opposite (Lord Lyndhurst) has also fully, clearly, and distinctly stated his objections to the bill, the first clause of which he proposes to omit. There has been much debate in the other House of Parliament on the subject, and there has been cast on your Lordships' Table a great variety of papers, and a vast mass of information relating to it; and yet I declare that I never knew offered to the consideration of Parliament a more short, clear, simple, distinct question than that now submitted to your Lordships' consideration. I entirely, utterly, absolutely, and completely, deny the assertion of the noble and learned Lord, that there is on my part, or on that of any of my noble Friends any disposition whatever to abrogate and abolish the Jamaica Assembly, or to interfere with the rights of individuals or of bodies either in this country or in any part of the colonies. I say that what we have done we have done with the utmost regret and concern. It was with the utmost regret and unwillingness we made the proposition which we before made; it is with great concern and sorrow we make the present; but I say that this course which we now call on your Lordships to pursue is forced upon us, is absolutely forced upon us by the conduct of the Jamaica Assembly; and I declare before God that if any other body, aristocratic, or democratic, be it where it may, acted in the same manner, I would not hesitate to advise the same sort of measures in order to supply those functions which were left unfulfilled by it, those duties which it had abandoned. My Lords, I respect the rights of all parties—I respect the rights of all individuals—I respect the rights of all bodies, whether elective or hereditary. I respect these as I respect and reverence all constituted authorities in every country; but my Lords, all constituted authorities, whatever dignity, whatever weight, whatever powers and privileges they enjoy—hold them by the tenure and on the condition of performing the duties which they are bound to discharge; and if they utterly desert, and completely abandon those duties, they commit suicide on themselves. It is not we who put an end to an assembly, in such a case; it is not we who suspend their constitution—it is they who put an end to it themselves. It is they who have imposed on us the necessity of fulfilling duties which they have left unsatisfied—of acting on powers which they have neglected to exercise—of guarding against exigencies and necessities which they admit to exist; and I say that this is a duty which we cannot shrink from: it is a duty which is absolutely imposed on us: it is a duty which it is absolutely necessary for us to perform; and for the measures which are taken under this necessity it is not we who are responsible, but those who by their acts have made this conduct absolutely necessary, and called forth the remaining powers of the State for carrying on the duties of the government. Why, my Lords, this House of Assembly has stated distinctly, in its address to the Governor, the absolute necessity of legislating on those very points provided for by this bill under the present circumstances of that country; and then they go on to say that they will not legislate on that or any other subject, with certain exceptions, until their privileges are respected, or until Parliament has in point of fact withdrawn from the course which it has already adopted. Now, that that is an abdication of their duty, an entire disregard of their functions, a complete neglect of the whole interests of the state, it is impossible for any one to deny. And if they will not perform the duties incumbent on them—if they will not take those steps which they admit to be absolutely necessary—I ask your Lordships how we can do otherwise than provide for the necessity thus occasioned, or at least supply the means of meeting the deficiency. The noble and learned Lord says, that their refusal to perform their functions was limited in extent. What right have they to say that they will perform one part of their duties and neglect another? The whole interest of the public, the whole care of the community, the entire *respublica* is committed to their care, and they have no right to withdraw themselves from that duty or from any part of it. By abrogating their functions in part, they abrogated them altogether. Then it is said that their resistance is conditional, that what they say is, "if you give up your Act of Parliament, if you withdraw your attack on our privileges, then we will persist no longer in the opposition to the measures which you deem necessary." What right have they to make the performance of their duties conditional? Is that the course which your Lordships mean to sanction—is that the spirit which you desire to cherish? Your Lordships seem almost prepared actually to submit to this Assembly, actually to agree to the conditions proposed, and to condemn your own Act for the regulation of prisons, and that in a very strange manner. In speaking on the Prisons Bill, the noble and learned Lord (Lord Lyndhurst) though highly interested in it, was not present at its discussion. The noble Duke also did not attend during its discussion; he, according to his own acknowledgment, was so far remiss in his duty? His noble and learned Friend (Lord Brougham) was present when the bill was debated, but he was ignorant of the circumstances which called for the bill, and his strongest objection to it was urged in a conversation across the Table. Now will this do. Is this fit, is this suitable, is this becoming? Is this the manner in which you mean to uphold your own dignity, to maintain your own authority, to stand by your own acts; to say that you have legislated without knowledge or thought, and that you are as ready to abandon your acts of legislation as you were originally careless in adopting them. When the most eminent men in point of talent, weight, and authority, make such statements, the colonists may fairly conclude that this is your usual and general mode of legislation. I really think that it is not fitting that persons of weight and dignity, in order to serve a present argument and a present purpose, should come down and make such admissions with regard to bills which they themselves acknowledge to be of unquestionable importance. But if I understand your Lordships' intentions, you are not prepared to give up the Prisons Act. Your intention is to retain the Act which has been passed. I don't exactly know that you are taking the wisest course, and the most effectual course, for securing your object; but the question appears to me to be the plainest in the world. Those matters which the House of Assembly admits it to be necessary to provide for, it is incumbent on us to dispose of; and I do think your Lordships will take a great and serious responsibility on yourselves, if you act in that way which you conceive will answer the fancy or choice of the House of Assembly, instead of pursuing a course which you feel and know to be absolutely indispensable. How can you expect that the House of Assembly will give way? How can you expect it, when they find themselves supported, maintained, encouraged, and defended by a large party in this country? I should think them quite children if they did. The noble and learned Lord has adverted to the state of the other House, and the small majority with which this bill has been sent up to this House; I shall not make any observations on the nature of the majority, or on the circumstances which may have caused it. The noble and learned Lord dwells upon the present state of things as a matter for deep concern and melancholy. I entirely agree with him; and there is nothing which more deeply affects the interests of this country than that we should recollect, that with respect to the great colonial matters now pending, it is of the utmost importance that something like unanimity should be observed. How can you expect measures to be successful, how respected, if they emanate from collision and difference? My Lords, I make no allusion to party views—on this question, I know of none—party feelings have been loudly disclaimed on this occasion. It has been often asserted, that the opposition to this bill has not proceeded from any party or personal motives—I fully believe it, perhaps too much so, for however much party motives—the desire of power, are to be condemned, if they are even culpable, let it be recollected, that though the absence of such motives may render the conduct of parties who object to such measures, less blameable, makes it more senseless and unintelligible. The object of party, one perfectly understands. But if that object is disavowed, what motives can be conceived, except mischief and folly? [" No, no."] Of course, I cannot impute this to your Lordships, but without such motive I am utterly at a loss to account for the opposition which has been given to this measure. My Lords, the noble and learned Lord who spoke last, said, that even if the Assembly showed an inclination to resume their functions, the Governor would still have the right to exercise his arbitrary powers. My Lords, it is all very well to talk of the corruptibility of human nature, and the probability of power being abused; but is it at all likely, in the present age, with the superintendence of Parliament—is it likely, that any governor would dare, if the Assembly appeared willing to resume their functions—is it likely that any governor would dare to retain these arbitrary powers? I really see no danger of such an event. My Lords, I do at once admit, that this bill is, *pro tanto* a superseding of the House of Assembly; but I say the conduct of the Assembly has rendered the measure absolutely necessary. And I feel confident, that if this bill be not adopted, as it now stands, great risk will be incurred, and ultimately a measure like this, or a much stronger measure will be had recourse to.

Lord *Brougham*, in explanation, said, my Lords, as to the charge of " mischief and folly," I really wonder that the acuteness of my noble Friend who has just spoken, did not enable him to discover, that it was just possible that English statesmen and legislators might have some other motive than " mischief and folly," in refusing to suspend, without cause, the free constitution of one part of the colonial dominions of the empire. And I must further say, my Lords, that I heard, with amazement, the threat uttered by the noble Viscount—not against Barbadoes, or Montserrat, or Nevis, or Jamaica—but against the Lords and Commons of England. " If any Assembly," said the noble Viscount, " do what they ought not to do;" that is, do what he does not wish them to do, " for their mischief and folly, I will treat them just as I propose to treat the Assembly of Jamaica." How? By passing a bill enabling the Crown and Lords to legislate without the Commons? The Lords would probably not agree to that. Oh, that is "folly and mischief." Well, what will he do? March grenadiers into the House of Commons. Nothing else will do. And your Lordships are included in the threat, too; the the noble Viscount said, "Any body, elective or hereditary," now your Lordships are the only hereditary legislators in Europe, since the French Chamber ceased to be hereditary, where, by-the-bye, the noble Viscount possesses as much power as he does here. Thus does the noble Viscount threaten us for refusing, forsooth! to pass the bills he offers us; and such bills, in truth, I don't expect we shall pass. My Lords, I will not say, that the noble Viscount was guilty of folly in uttering such threat—mischief most assuredly there was none—for anything more absurd I never heard.

Viscount *Melbourne*: What I meant to say was this, that every constituted body in every State is bound to perform the duties assigned to it, and if any such authority of the State, whatever it may be, abdicates or declares that it will not perform those functions, then the other authorities of the State are bound to interfere and supply the deficiency. "Si non vis judicare cessa regnare," were the memorable words once addressed to a high potentate, and they have ever been considered as announcing a very just constitutional doctrine. I see nothing in any legislative or hereditary functions less open to this necessity, and the application of this principle, than those of the sovereign power itself, and if any legislative body, hereditary or otherwise, neglect or refuse to perform their duties, they may depend upon it they will lose their power.

The Earl of *Mansfield* had heard nothing to reconcile him to passing the present measure. If it underwent a considerable modification, of which, however, he had no hope, he was not prepared to justify the conduct of the House of Assembly, at the same time that he thought it admitted of some excuse. As to the right of Parliament to legislate on such a subject as the present, he never for a moment entertained the least doubt. With regard to the Prisons Bill, he certainly must say, that he amongst others of their Lordships took blame to himself for not having paid sufficient attention to that bill; at the same time, from no information that he had received had he had any reason to suppose that it would have given such offence, and have created the suspicion, perhaps the natural consequence of that offence, that it had been sent out for the purposes of irritation, and in order to further the views of those who wished to see the Legislature suspended. Now, the opposition which had been given to the first of the two bills brought forward this Session had been grounded on the propriety of allowing the Assembly to retrace their steps; but he would appeal to what had fallen from the learned counsel at the Bar, in asking whether the present measure was not, if possible, more objectionable than the former; and whether, if the opposition to the first measure was well grounded, they should not be equally strenuous in opposing this. The bill before their Lordships was nothing more than a pretext for continuing the powers of the Legislative Assembly, while it in fact suspended them. It empowered the Governor to indicate not only what measures the Assembly were to pass, but what were to be the minutest points of those measures If, then, the Assembly were to accept and pass such measures, in defiance of their own opinions, what would that be else than the mere mockery of legislation, the mere appearance of deliberation without the exercise of any such power? It would be better to have their functions entirely abrogated at once. With such a measure as this he despaired of their being able to proceed with success, and therefore hoped it would undergo considerable modification. He trusted their Lordships would evince some spirit of coolness and conciliation in dealing with it, and with equal sincerity did he hope, that when it should come into operation it would meet with no resistance, or give rise even to any intemperate expressions.

Lord *Seaford* wished briefly to state the reasons which induced him to support the present measure, and why he conceived that the arguments of the counsel at the Bar were most fallacious. The most correct, as well as authentic statement, was to be found in the resolutions of the Assembly themselves, in which they declared that the Prisons Bill was a violation of their inherent rights as British subjects. Now, the whole question appeared to him to rest upon that point—

namely, whether the rights of the Assembly had or had not been violated. If they had not been violated, then was the refusal of the Assembly to discharge their legislative functions an unprovoked dereliction of their duty. The first thing to be considered was the nature and extent of those rights which they conceived themselves to possess inherently as British subjects. In their protest against the bill for the amendment of the Abolition Act, they stated—

> "Jamaica is dependent on the Crown of England, and she admits the right of the English Parliament to regulate the commerce of the empire, but she rejects with indignation its claim to make other laws to govern her."

Now, notwithstanding what had fallen from the noble and learned Lord opposite, he was disposed to think that there was a connexion between that protest and the third resolution of the House of Assembly. If they had correctly stated their rights in that protest, the Prisons Bill was undoubtedly a violation of those rights; and although their Lordships had all agreed as to the principle of that bill, when it passed, no point of honour should prevent them from repealing it if they believed the statement contained in that protest. When he considered that the highest legal authorities and all the eminent statesmen in both Houses of Parliament had supported that bill, while not a single Member in either House had offered a word in opposition to it — when he contrasted the apathy that had been evinced towards it with the hostitity which was shown against the present and previous bill, he thought he was justified in saying, whatever might be their opinions now, that when the Prisons Bill was before them they did not consider that Parliament, in passing it, would be exceeding their constitutional powers or violating the inherent rights of the colony of Jamaica. There appeared to be but one opinion among all parties as to the expediency of not repealing the Prisons Bill. But if the House was not prepared to repeal that Act, it refused to make the reparation which the House of Assembly specifically demanded. He was aware that it had been said that such a demand was not made, that such words as a repeal of the Prisons Act were not to be found in the resolutions; that they were not in the bond. He must, however, say, that he saw very little force in that argument, which was entirely refuted by the tenor of the resolutions. In them the Assembly set forth, both positively and negatively, the conditions upon which it would consent to resume its functions. It sated, that it would not do so until her Majesty's gracious pleasure should be made known, whether her subjects of Jamaica were thenceforth to be treated as subjects with the power of making laws, as they had previously had, for their own Government. Now, what was meant by the power of making laws? Why this, that they should have the power of making laws as a Legislature holding directly from the Crown, and independently of the British Parliament, whose right to make laws for them they rejected with indignation. Then was the House prepared to admit their right to legislate to that extent? If it was not, it refused the condition which was annexed to their resuming their functions. Then look at the other alternative mentioned in the resolutions; it was this,

> "Or whether they are to be treated as a conquered colony, and governed by Parliamentary legislation, Orders in Council, or, as in the case of the late amended Abolition Act, by investing the Governor of the island with the power of issuing proclamations having the force of law over the lives and properties of the people."

That was precisely the power which was given to the Governor by the Prisons Bill, and therefore the repeal of that Bill was necessary in order to satisfy the requisitions of the House of Assembly. If these conditions were not complied with, what reasonable ground was there for expecting, that the House of Assembly would resume its functions? And would the House, without any such expectation, consent to run the risk of prolonging the evils arising from the absence of all legislation in the island? He believed, that many of their Lordships had been induced to go into committee upon this bill in the expectation of being able to render it palatable to the House of Assembly. He firmly believed, that all such hopes and expectations were illusory. The counsel for the Assembly had told the House, that the present measure was a more obnoxious and offensive violation of the constitution of the colony than the former bill. The Assembly, through their counsel, objected, not to the details, but to the principle of the measure. Their objection would not be removed by the proposed omission of one clause, and the result of the amendment would be, that the British Parliament would incur all the odium, while it would not accomplish half the good that would arise from passing the bill in an unmutilated state.

Viscount *St. Vincent* said, that with reference to many of the evils which had been alleged to exist in Jamaica, they might have been corrected if the Colonial-office in this country and the Governors of Jamaica had fully known their duty and powers. It was not a fair interpretation of the language used by the House of Assembly to say, that that body intended to set up a claim in opposition to the authority of the British Parliament.

The Marquess of *Normanby* explained. He had expressly given an answer to the question of the noble and learned Lord near him (Lord Brougham), why the provisions of the present bill had not been applied to other islands, for he had said, that in Jamaica there existed an assignable cause for the interference of Parliament, while no such cause existed with regard to the other colonies. One island to which the noble and learned Lord had referred, Barbadoes, had proceeded to legislate in a satisfactory spirit; and from Tobago and St. Vincent accounts had been received to the effect, that the legislatures of these colonies had adopted measures in conformity with the Orders in Council.

Lord *Brougham* had applied his observation only to one particular argument of the noble Marquess, which was to the effect, that the House of Assembly of Jamaica was so badly constituted as to make it desirable to take any opportunity of abolishing it as a sort of nuisance. In answer to that argument he had referred to other colonies, as falling equally within the scope of it.

Their Lordships divided on the question that the clause be expunged:—Content 149; Not-Content 80: Majority 69.

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Powis
Charleville
Orford
Lonsdale
Harrowby
Harewood
Verulam
Beauchamp
Glengall
Sheffield
Howe
Stradbroke
Cawdor
Ripon.
VISCOUNTS.
Hereford
Sydney
Hood
Strangford
De Vesci
Hawarden
St. Vincent
Melville
Gort
Combermere
Canning
Canterbury.
BISHOPS.
Lincoln
Bangor
St. David's
Carlisle
Rochester
Gloster and Bristol
Exeter
Dromore.
LORDS.
De Ros
Clinton
Willoughby de Broke
St. John
Sinclair
Colville
Reay
Monson
Sondes
Boston
Dynevor
Rodney
Carteret
Berwick
Montagu
Kenyon
Braybrooke
Douglas
Rolle
Bayning
Bolton
Wodehouse
Northwick
Dunsany
Carbery
Clonbrock
Redesdale
Rivers
Ellenborough
Sandys
Manners
Prudhoe
Colchester
Glenlyon
Maryborough
Ravensworth
Delamere
Forester
Downes
Bexley
Wharncliffe
Feversham
Fitzgerald
Lyndhurst
Tenterden
Stuart de Rothesay
Heytesbury
Wallace
Wynford
Brougham
De Saumarez
Abinger
De L'Isle

De L'Isle
Ashburton

List of the NOT-CONTENTS.

DUKES.
Somerset
Hamilton
Argyll

MARQUESSES.
Conyngham
Breadalbane
Westminster
Tavistock
Normanby
Lansdowne
Headfort

EARLS.
Minto
Charlemont
Effingham
Fingall
Burlington
Scarborough
Errol
Uxbridge
Yarborough
Lichfield
Rosebery
Spencer
Albemarle
Fitzwilliam
Cork
Lovelace
Clarendon
Camperdown
Gosford
Ilchester
Morley
Tankerville
Bruce

VISCOUNTS.
Melbourne
Duncannon
Falkland
Torrington
Lismore

LORDS.
Cottenham
Holland
Saye and Sele
Poltimore
Byron
Lilford
Dacre
Portman
Segrave
Gardiner
Berners
Lurgan
Carrington
De Freyne
Leigh
Vaux
Barham
Hatherton
Glenelg
Lovat
Wrottesley
Stuart de Decies
Wenlock
Mostyn
Colborne
Cloncurry
Dinorben
Seaford
Methuen
Stanley
Vernon
Foley
Denman
De Mauley
Bateman
Montfort
Dormer

BISHOPS.
Chichester
Durham
Ely
Norwich
Ripon

Paired off.

CONTENT.	NOT-CONTENT.
Rutland	Zetland
Londonderry	Hill
Westmeath	Norfolk
Jersey	Thanet
Leven and Melville	Kinnaird
Macclesfield	Durham
Talbot	Ducie
Beverley	Belhaven
Carnarvon	Shrewsbury
Bradford	Shelborne
De Grey	Cowper
Gage	Crewe
Doneraile	Kintore
Exmouth	Strafford
Beresford	Radnor
London	Lyttleton
Bagot	Roxburgh
Saltoun	Sutherland
Raleigh	Petre
Cowley	Sefton
Skelmersdale	Craven

Clause expunged.

Upon the second clause being proposed,

Lord *Brougham* objected to the clause, as giving an unconstitutional power to the Governor. It could not surely be any sound principle of legislation to give confidence to a Governor, because they did not believe that he would abuse it. The old principle of the constitution was to withhold confidence, where it might possibly be abused. He proposed to take the sense of the Committee as to whether they would delegate to any Governor the power of inflicting taxation on a colony. The clause was plainly in violation of the spirit of a solemn declaratory act—the 18th George 3rd. They did not even retain the usual ceremony of reciting that act in the preamble. He would therefore move as an amendment the insertion of the following words:—"Provided always, that nothing in this Act contained be construed to enable the said Governor, without the assent of the said council, to continue or renew any bill for the receipt of money or the appropriation of the same which may have heretofore been passed by the Assembly, and expired in its operation in the colony."

Viscount *Melbourne* said, that the proper course for the noble and learned Lord to pursue, in conformity with his argument, would be to move, that the clause be omitted altogether. If they meant to concede any powers to the Governor for the renewal of bills, he did not see why bills of this description should be excepted.

Lord *Brougham* desired to have the whole of the second clause remodelled. It was his real belief, that this portion of the bill would rankle more than any other in the minds of the colonists. He felt assured, that it would be looked upon as the very sting of the measure. With the omission of the first clause and the modification of the second, he entertained a most confident belief, that they would attain to the satisfactory conclusion for which all parties were so desirous.

The Marquess of *Normanby* said, that from a communication which he had had with a Gentleman most intimately acquainted with the state of Jamaica, he felt convinced that the revival of some of these laws was absolutely necessary, with a view to the maintenance of the civil and military service. If they threw out this clause, they would throw the burden of maintaining these officers upon the mother country.

Lord *Brougham* observed, that this burden would be inflicted on the mother country for not more than a month or two, and that it was better to incur this risk, than to violate a great constitutional principle.

Viscount *Canterbury* did not think, that such an alteration in the clause as that proposed by the noble and learned Lord (Lord Brougham) would be considered in the House of Commons as fatal to the bill, because, looking at the clause itself, he found that it was extremely general, and that it did not give any person any information as to the number or character of the acts which were about to expire. But he also found, in the clause which had been sent up from the House of Commons, and which had just been expunged by their Lordships, the following proviso, "that no such ordinance shall impose any rate, tax, or duty, save only in so far as it may be necessary to impose any fine or forfeiture to enforce the observance, or as a penalty for the non-observance of the provisions of any such ordinance." He contended, that the fair inference of the second clause, however vaguely it might be drawn, was, that the drawer in the House of Commons never had in contemplation the renewal of any tax whatever. Under these circumstances, he would venture to suggest that, at all events, it would be rather premature to come to a decision at this moment, either as to the rejection or adoption of the amendment of the noble and learned Lord. He would much rather have a little more time to consider the point, which was important, as affecting the privileges of the House of Commons.

Lord *Ellenborough* said, the noble and learned Lord opposite (Lord Brougham), in the discussion on the first clause, had said he dealt with that clause with freedom, because it had been adopted only by a majority of ten in a large House. The second clause (that now under consideration) came before the House under very different circumstances. No objection whatever had been taken to it—no division took place upon it—not a word was said against it, and it passed the House of Commons unanimously. Then, if this House dealt with the clause in the way suggested by the noble and learned Lord, could it be supposed that the House of Commons would at once wholly change their mind, and agree to this amendment? They might consider the clause as connected with their exclusive privilege, and the consequence would be, that the amendment would be unanimously rejected, and if their Lordships persevered in that amendment, the result would be, the loss of the measure. That he thought ought not to be. It was necessary that something should be done. He did not think the House of Assembly justified in the position they had taken up, and he was ready—nay, he thought it necessary, in justice to their Lordships, and their own dignity and authority, but also in mercy to the people of Jamaica, to give them an intimation, that the British Parliament were determined to exercise their right of superintending the whole government of that colony, and that though the House of Assembly might, the British Legislature would not, abrogate the duties it had to discharge. He, therefore, would not altogether lose the measure, and with that view, he hoped the noble and learned Lord would postpone his amendment for further consideration in another stage of the Bill.

Amendment postponed.

The remaining clause agreed to.

The House resumed, and bill reported.

HOUSE OF COMMONS,

Tuesday, July 2, 1839.

MINUTES.] Petitions presented. By Messrs. O'Connell, Estcourt, Thorneley, Brotherton, Colonel Gore, and Langton, from a number of places, for a Uniform Penny Postage.—By Lord Sandon, from Merchants of Liverpool, and by Mr. M. Philips, from Manchester, for Equalizing the Duties on Coffee and Sugar.—By Mr. Villiers, from Stockport, for reducing the Duty on Foreign Timber; also for Church Extension in the Colonies.—By Mr. G. Palmer, from Hertford, against, and by Mr. Finch, from Walsal, in favour of, the Government plan for National Education.

HOUSE OF LORDS,

Wednesday, July 3, 1839.

MINUTES.] Bill. Read a third time:—Sugar Duties.

HOUSE OF COMMONS,

Wednesday, July 3, 1839.

MINUTES.] Bills. Read a first time:—Cathedral and Ecclesiastical Preferment.—Read a second time:—Soldiers Pensions; Parochial Cure of Souls; Bills of Exchange.

Petitions presented. By Lords C. Manners, J. Stuart, and Dalmeny, and Messrs. Parker, C. Buller, Hodges, and Sir De Lacy Evans, from a number of places, for a Uniform Penny Postage.—By Mr. C. Lushington, from Perth, against the Monopoly for Printing Bibles in Scotland.—By Mr. Beamish, from Cork, against the existing Excise Regulations.—By Lord Ashley, from Blackburn, and Manchestor, against the Government plan for National Education.

PRISONS (SCOTLAND).] Mr. *Fox Maule* moved the order of the day for the House to resolve itself into Committee to take into further consideration the report of this bill.

Sir *W. Rae* said, that the bill was so changed in its character since it was last before the House, that he felt bound to call the attention of hon. Members to what its provisions now really were. As regarded the general state of prisons in Scotland, and the improvement of them, he believed that no difference existed. The great question was, as to the manner in which those improvements were to be carried into effect. It had been proposed by her Majesty's Government that three general prisons should be established in Scotland. Now hon. Members on that side of the House thought that three general prisons in Scotland were unnecessary. Another objection was, that it proposed to make a general assessment throughout Scotland, without any reference to the expense which might be incurred by each county. In his opinion, in Scotland as well as in England, each county should bear the expense of its own prisoners. All the alterations, however had been resisted in the bill, which he and his Friends had proposed in Committee. Their opposition had been unsuccessful. Another day had been fixed, and they felt they were exposing themselves to the imputation of endeavouring to defeat a measure for the general improvement of Scotch prisons. Under these circumstances, in order to prevent misunderstanding, he had put on paper a plan by which they proposed to accomplish the same ends, and which would not be open to the objections of which he had complained. He had transmitted a copy of it to the Home Office, and the terms proposed had been agreed to. Such being the case nothing now remained but to put the measure into proper shape. The terms agreed to were, that one dépôt should be established, to the fitting up of which the 10,000*l.* already voted should be applied. An additional 20,000*l.* was to be assessed on all Scotland, in order to complete the fittings up; the expenses of the prisoners in the dépôt were to be defrayed by the towns by which they were to be sent. The expenses of the local prisons were to fall entirely on the counties. Under these circumstances, he did not wish to throw any obstructions in the way of the Bill.

Mr. *Fox Maule* said, this Bill proceeded on the same principle as other bills that had passed the House, and which had not met with any opposition.

The House went into Committee.

On clause 64, repealing the Acts previously passed relating to prisons being put,

Mr. *Hume* complained that it did not specify the Acts which it proposed to repeal.

The *Lord Advocate* observed, that it distinctly went to repeal all Acts since 1598.

Mr. *Hume* thought that that only made it the more objectionable. He should oppose it.

The Committee divided on the question that the clause stand part of the bill:—Ayes 44; noes 17:—Majority 27.

List of the AYES.

Bannerman, A.
Baring, F. T.
Barnard, E. G.
Barry, G. S.
Bewes, T.
Blake, M. J.
Blake, W. J.
Brotherton, J.
Bruges, W. H. L.
Busfeild W.
Butler, hon. Col.
Cayley, E. S.
Chalmers, P.
Craig, W. G.
Curry, Mr. Serg.
Dalmeny Lord
Davies, Colonel
Donkin, Sir R. S.
Hastie, A.
Hobhouse, T. B.
Hodges, T. L.
Howick, Lord Visct.
Kinnaird, hon. A. F.
Lushington, rt. hon. S.
Macaulay, T. B.
Macleod, R.
Marsland, H.
Melgund, Lord Visct.
O'Connell, J.
Parker, J.
Parnell, rt. hon. Sir H.
Pendarves, E. W. W.
Pigot, D. R.
Rundle, J.
Sinclair, Sir G.
Stansfield, W. R.
Steuart, R.
Stewart, J.
Talfourd, Mr. Serg.
Troubridge, Sir E. T.
Vigors, N. A.
Wilbraham, G.
Williams, W. A.
Wood, C.

TELLERS.

Maule, F.
The Lord Advocate.

List of the NOES.

Arbuthnott, hon. H.
Blair, J.
Clerk, Sir G.
Gordon, hon. Capt.
Grant, F. W.
Greene, T.
Hepburne, Sir T. B.
Hope, hon. C.
Hope, G. W.
Lockhart, A. M.
Mackenzie, T.
Pease, J.

Pringle, A.
Rae, rt. hon. Sir W.
Stormont, Lord Visc.
Wallace, R.
Warburton, H.

TELLERS.
Hume, J.
Gillon, W. D.

Other clauses agreed to.

The House resumed. The Report to be received.

SUPREME COURTS, (SCOTLAND).] The order of the day for the third reading of the Supreme Courts Scotland Bill having been read; on the motion that the bill be read a third time,

Mr. *Gillon* rose to oppose the motion, for it was in reality a bill to give an increase of salary to judges whose income was sufficiently large already. The Scottish Judges to whom he alluded had received an increase of salary on three different occasions, and the last increase, namely, in 1810, was upon the ground that the increased price of the necessaries of life, it being then during the period of high prices occasioned by the war, had rendered such an increase necessary, but that cause for an increase could not be now alleged when prices had fallen fully one-third. The salaries which it was proposed had been raised from 1,000*l.* per annum to 1,280*l.* in 1799, and to 2,000*l.* in 1810; and he begged the House to remember that 2,000*l.* paid quarterly was an income equivalent to double that nominal amount arising from landed property. The salary of the Lord-President, 4,300*l.*, was, he hesitated not to say, fully equivalent to 9,000*l.* from landed income. There were not more than three members of the Scottish bar making above 3,000*l.* per annum at their profession, and there were certainly not more than four making 2,000*l.* per annum; and he was confident that any of those making 3,000*l.* a-year would gladly avail himself of the office of Puisne Judge at the present salary, combining as it did so much ease with dignity. The right hon. Baronet, the Member for Tamworth, had stated that the object was to give such a salary as would insure the acceptance of the office by men of eminence at the Scottish bar, and that object was, in his (Mr. Gillon's) opinion, achieved by the amount of the present salaries. The proposed increase was not justified upon the ground of increased expenditure or increased duties; on the contrary, the duties had greatly decreased; for in the year ending in January last there had been no more than 1,486 cases brought before the Supreme Courts. The Scottish people—with that good sense for which they were remarkable—were every day becoming more averse to bringing causes before those Courts, in consequence of the delay and expense which accompanied them. Was the House justified in an extravagant and wasteful expenditure of the public resources by the state of the finances? He should be agreeably surprised if the right hon. Gentleman, the Chancellor of the Exchequer, should on Monday night lay before them any very flattering picture of the state of our finances. He should be agreeably surprised if the right hon. Gentleman should not tell them that it was his painful duty to resist the repeal of certain taxes which would be proposed; which repeal he would at the same time acknowledge to be not only just and proper in itself, but peculiarly called for by circumstances, formerly unforeseen, and which the lapse of time had brought into operation. Was this a time, then, to be thus profuse, when there were hundreds, nay thousands, of the most respectable individuals falling daily from affluence to poverty, from no fault of their own, but from the pressure of a grinding and most unjust and unequal scale of taxation?—when the poor handloom weaver, in his ill-furnished hovel, was maintaining himself, his wife, and his half-famished family on 4*s.* 6*d.* a-week, and followed from his cradle to his grave by a taxation pressing on the food he ate, the beverage he drank, and the raiment with which he was clothed?—When this man, pointing to his own emaciated countenance, and to the care-worn features of his wife and children, asked the House to remove a portion of that burthen which pressed to the earth his powers, both physical and mental, could it assure him that the Scotch Judges must be better paid. Did the House, by acts like these, expect to stifle the cry of the unrepresented millions, that their interests were neglected, that it dealt in class legislation, that it abridged the comforts of the many to shower golden favours upon the few? If they wished for the security of life and property—if they wished for the maintenance of our institutions—if they wished, above all, that the laws should be respected, let them deal equally with all men—let them not lead the people to believe that there were classes for whose benefit they were disposed exclusively to legislate—let them not, by the extravagant profusion of this House, render odious in the people's eyes those who sit in judgment over them. He moved that the bill be read a third time that day three months.

Mr. *Hume* seconded the amendment. He considered this bill to be one of the grossest jobs that had for some time come under the consideration of the House. He had always objected to the appointment of thirteen judges, for a population little more than that of Yorkshire and Lancashire united. It appeared to him, considering the duties they had to do, that it was the very *acme* of extravagance. But it remained for a reforming economical Ministry, to bring forward such an act as this. It was a most unjustifiable measure, and preceding Governments had not dared to propose it. No one was in favour of the bill but the lawyers. There was not a sensible or honest man in Scotland, that did not cry out against it. [*Hear*]. Not one. He spoke of his own correspondents. He admitted, that lawyers, and those who were likely to benefit by it, might be in favour of it. The establishments of the country were every year going on increasing instead of decreasing, and it was on this ground that he objected to the present bill, and should divide the House on the third reading. But there were other objections. He had offered, if the number of judges should be reduced to an adequate number, and employment similar to that of the English judges should be afforded to them, he would agree to their being paid in proportion. But while the English and Irish judges retired on two-thirds only of their salary, the Scotch judges were to retire on their full salary, and this too, on an increased salary. Unless there were some secrets which had not yet been divulged, he considered this bill contrary to the sound principles on which the House ought to act. If the bill should be read a third time, he hoped the clause which allowed the retiring salaries, would be expunged.

Sir *G. Sinclair* said, that during the two former discussions on this bill he had unavoidably omitted several statements, of which he was anxious to put the House in possession. He felt much gratified, as well as highly honoured, in standing forward to urge upon public attention the just and too long neglected claims of some of the most eminent and enlightened public functionaries in the empire. There were two preliminary matters on which he must say a very few words. It was admitted, and indeed was self-evident, that this was not a party question; he was sure, that a great majority of the Scotch Members, however much they might differ on other matters, were cordially united, not only as to the inadequacy of the present salaries of the judges, but as to the requisite amount of augmentation; and he was very glad that her Majesty's Ministers had at length resolved to give (so far at least as the puisne judges were concerned) effect to the general wish which, on public grounds, the representatives of Scotland had been so desirous to press upon their favourable notice. In the next place, he begged to state, that neither in 1834, nor on the present occasion, had he ever been solicited by all or any one of the judges to bring this question forward. The notion had originated entirely with himself upon several grounds, which he had stated in evidence before the Committee in 1834. The delicacy and forbearance of their whole demeanour on this and on every occasion, had been almost as conspicuous as the harsh and offensive recklessness with which on many occasions their feelings had been wantonly outraged, their merits invidiously disparaged, their services unjustly depreciated, and their conduct malevolently arraigned. Their claims upon national munificence, or rather upon national gratitude, were founded both on the dignity of their station and the importance of their duties. But it might be asked, whether the judges of the Supreme Court in Scotland were so pre-eminent in talent, and so meritorious in regard to public service, as to stand upon a level with the other judges of the empire in their claims upon the favourable and respectful consideration of the House? He was well aware, that during a very long period that court seemed to have been looked upon as a sort of target, at which sometimes wit and talent, still oftener dullness and ignorance, occasionally party enmity or professional disappointment, had levelled the shafts of sarcasm and vituperation. But in opposition to these aspersions, he should content himself with citing the following passage from the evidence of the Earl of Eldon, as delivered before the Committee in 1834:—"I should not do justice either to the Scotch bar, or to the Scotch judges who have been during the time that I have been in the profession of the law, if I did not say that I do not believe in any country of the world can be found higher testimonies of ability among the counsel or ability among the judges." Until 1808, this tribunal consisted of fifteen judges; a certain number of them sat in rotation in the Outer House as Lords Ordinary, from whose decisions an appeal lay to the "collective wisdom" of the Inner House. The Court had at all times been distinguished by the ability of its Lords President, and has also never ceased to be adorned in successive generations by other judges of great talent and integrity. It must, however, be admitted, that when judges sat in the one court, not a few were selected rather from the zeal of their political partisanship than from the pre-eminence of their legal reputation. But in 1808, the Court was divided into two, with commutative jurisdiction, an arrangement by which the despatch of business was greatly promoted, as the two tribunals were employed in hearing and deciding causes simultaneously, and less time was occupied in each by the delivery of the opinion of the judges. Since that period, the system of permanent ordinaries (five in number) had been established, and the aggregate of them amounted to thirteen judges, four of whom sat in each of the two courts, a number, which he trusted, would never be further diminished, as it tended to secure this great advantage, that in case of a difference in opinion, instead of a bare majority, there should be a preponderance of three to one, besides which it was necessary, when deciding on the proper number, to take into account the contingency of illness or unavoidable absence on the part of some of the members of the court. When the English judges obtained a further increase in 1809, those of Scotland were not included in that arrangement; their claim, however, was acceded to during the next Session, but the grant was made retrospective, so as to embrace the preceding year. In 1825, the salaries of the English judges were further increased; and it was the intention of the Duke of Wellington's Government to have extended the grant, as usual, to those of Scotland. The proposition was favourably received at the time, but it was thought expedient to postpone giving effect to the plan until the duties of the court had been inquired into. The subject of the judges' salaries lay dormant until 1834, when he ventured to bring it under the notice of Lord Spencer, at that time Chancellor of the Exchequer, who with his characteristic frankness, avowed that he was not satisfied as to the necessity of any increase, but he agreed on the part of the Government to the appointment of a committee, over whose deliberations he had the honour to preside. He considered this committee as a sort of jury or tribunal of reference. If they had determined that the existing salaries of the judges were excessive, or even adequate, his mouth would have been closed for ever on their behalf, and he would have been a very bold Minister indeed who should have proposed even a trifling augmentation in the teeth of any hostile decision. When this report was presented to the House, Lord Althorp declared that he could not at so late a period of the Session, introduce any bill upon the subject; and he (Sir G. Sinclair) deemed it most prudent and most constitutional to leave it in the hands of Government. But it seemed to be generally considered, that the judges had, by the award of the committee, obtained a kind of inchoate right to the increase. When that excellent judge, Lord Cringletie, resigned, it was expressly stipulated that he should stand in the same position in regard to any contemplated augmentations, as if he had still continued on the bench. Several of the judges had since died, and their families had lost the benefit which, if the bill had been passed in the proper season, would have accrued to them; and others, in the natural expectation that such a step would be taken without delay, had been striving to keep up, though still on a subordinate scale, those appearances which their station required, and which their present incomes could not defray. He should do himself the honour and give his cause the advantage of reading a letter from Earl Grey:—

"Howick, Jan 17, 1839.

"Sir,—I have this morning had the honour of receiving your letter of the 1st. I well remember a representation having been made to me, when in office, of the inadequacy of the salaries of the Scotch judges. The details of the subject are not so perfectly in my recollection, but I can have no hesitation in saying, that I felt satisfied at the time that an alteration was necessary, and that the recommendation of the committee did not go at all beyond what the exigency of the case required. I must, therefore, wish you success in an object in which the public interest, no less than the independence of the judges, is intimately concerned; and if this expression of my feeling with regard to it can be of any advantage, you are at liberty to make such use of it as you may think proper. I am, Sir, your faithful and obedient servant, "GREY."

He could not help again expressing his indignation that any Gentleman in that House should have been found capable, on a former occasion, of endeavouring to fasten upon Lord Jeffrey the imputation of having been biassed in giving his evidence by the prospect of his own immediate elevation to the bench. Did it not argue a marvellous obtuseness of moral perception to bring such a charge against Jeffrey, whose sensitive and honourable mind would instinctively recoil from any base or sordid motive—whom the latest generation of Scotsmen would be proud to number amongst the most distinguished of their countrymen? He should say nothing further as to the proceedings of the committee of 1834, but there were two or three statements which still remained to be noticed. We are told that men of great legal eminence will accept the judicial office at the existing amount of salary; and this was unquestionably true, as the present state of the bench demonstrated. But this was a fallacious and unfair criterion. We ought not scrupulously to consider what was the precise *minimum* of salary by which, in addition to the advantages of certainty of income, non-liability to ruin from providential casualties, and of less laborious duties, advocates in high practice might be reluctantly induced to take the judicial office—perhaps when business was fluctuating or health beginning to decline; but he might not again have the offer when he would be more desirous to accept it. Now, the great object for inquiry was, what amount was necessary for enabling a judge of the Supreme Court to maintain the dignity of his station to live as became a British judge, and to avoid what that great man, Lord Eldon, alluded to in his evidence before the committee — "the placing his children in a rank during his life, much above that which they must fill in case of his death." He believed, that at a less sum than the committee had suggested, these objects could not be obtained. There was, if he might be allowed so to express himself, a penurious and penny-wise triumvirate from the north of the Tweed, on whom all the evidence adduced before the committee, and all the facts and arguments urged in that House, never made the slightest impression. These gentlemen, in order to attain the object of keeping the judges with a narrowness of income equally painful to them and disgraceful to the nation, could blow hot or cold, as it suited their purpose. If they wished to prejudice English members against the judges, they described them as having nothing to do—as indolent and inefficient—as wasting the time which they ought to devote to the public service, and as being found in every capital or watering-place in Europe; because, forsooth, he believed that one, or at the most two, of the judges have passed a vacation or two abroad. But almost in the same breath, they could heartily concur in our just encomiums on the transcendent talents of the very same judges, in order to contend, that at the present salaries you could induce the most eminent advocates to accept office on the bench. The hon. Member for Kilkenny thought that a judge, like a journeyman carpenter, should be hired by the job, or by the day, or that you might treat him like a hackney coachman, and higgle with him beforehand as to the sum which you should pay for the discharge of a given duty. The hon. Member for Greenock was also one of the stop-watch philosophers. He seemed to regard judicial business as mere clock-work, and spoke of nothing but the number of days and hours during which the Court of Session is occupied in the course of the year. But any one at all capable of appreciating the nature and extent of the functions connected with the office of a judge would never dream of applying a test so futile and so fallacious. He should never forget the smile of good-humoured expression with which Lord Eldon replied to a question addressed to him in private on this subject. "Sir," replied his Lordship, "the time passed in the court is often not so long, nor, in some respects, so important, as that which a judge, who is anxious to discharge his duty, devotes at home to its performance." If time was to be considered as the most important element in estimating judicial efficiency, the dullest judge, according to this standard, might stand much higher in public repute than the best informed and the most profound. "I remember to have heard," said the hon. Baronet, "of a country gentleman calling, when he arrived in London, upon a particular friend of his, who had been grievously affected with the toothache. 'My good sir,' says he, 'I am quite concerned to hear that you have been a martyr to so painful a complaint.' 'Oh,' replied the other, 'I am much obliged to you for your sympathy, but I am happy to say you may convert it into congratulation. When I could bear the torture no longer, I made the best of my way to Mr. Cartwright's, who dislodged the enemy in a second or two, almost before I knew what I was about; so I paid my guinea, and came away.' 'Paid your guinea?' exclaimed the other, with an indignant stare of surprise; 'your guinea for the labour of a couple of seconds? Why, sir, you never were so taken in in the whole course of your life. I myself had a violent fit of the toothache last week, and sent for my neighbour, the blacksmith, who not only drew a sound grinder by mistake, but broke the decayed tooth in the middle, wrenched it out at last, after six most tremendous tugs, (leaving, by the bye, a stump which I still have in my jaw), was employed at least twenty minutes in the operation, and at last only charged me half-a-crown.' The questions of salary and duty might be considered as disconnected and distinct, and he maintained also, that the judges now discharged, and discharged most efficiently, the whole functions incumbent upon the Supreme Court. His hon. Friend was not aware that the length of the vacations had been regulated from time to time since the establishment of this court by Act of Parliament, and that rather for the sake of the suitors, than for the benefit of the judges. Had he never heard that the Court of Session did not sit on Monday, because the onerous business of the Court of Justice required to be transacted on that day? But he contended that, even if the vacations were to be prolonged instead of being abridged, the argument would still remain unaffected, that every judge of a supreme court should enjoy such an income as would enable him to live in a manner commensurate with his station. He should be the last man in that House to admit, and still more to contend, that too large a salary was attached to the high office so worthily filled by the Speaker; but if we were, most unjustly and most unwisely, to discard from view the consideration of its dignity, and to dwell solely on its duties, an attempt might be made to establish a case of excess, and that some economical Aristarchus might exclaim, "Well, I do think the Speaker is overpaid—only think of a vacation from August till February, Saturday a *dies non*, and holidays at Easter and on sundry anniversaries, besides the many evenings during which the House was in Committee, and the Speaker absent; how often, too, it adjourns at an early hour; how often it is counted out; or how often, at four o'clock, there are not enough Members to make a House." In short, Sir, continued the hon. Baronet, you must not be surprised, though you need not feel at all alarmed, if one of your Whig friends should ere long propose to consolidate the office of Chairman of the Ways and Means with that of Speaker, and call upon you, without any increase of salary, to discharge the functions of both. The hon. Baronet concluded by maintaining, that abler and more upright functionaries could not be found than the present judges, and that, although they might labour with more cheerfulness when justice had been done to them, they could not act with greater integrity, or with more unwearied industry, than they already displayed.

The *Lord Advocate* would not detain the House by many observations after the remarks of the hon. Baronet, to whose services on this subject he could bear the most ample testimony; and he would not have troubled the House at all, but for the manner in which he had been alluded to by the Mover and Seconder of the amendment, who had expressed great anxiety that he should state some new ground in support of the alteration proposed. He should have met that challenge without hesitation, if he had heard any new grounds of objection stated; but it seemed to him somewhat extraordinary that when the bill came to a third reading, objections should be urged which had been answered over and over again, and that he should be asked to state some new answer to those objections. It was said, that the Judges only sat for half a year, and only attended about two hours a day. All the Judges were equally censured, without any distinction in respect to individuals however distinguished. They were all characterised as idle. But it should be recollected, that the greater part of the official duties of the

Scotch Judges were not discharged in public. It might or might not be an objection to the forms of judicial proceeding in Scotland that they were mostly in writing—it might or might not be unfortunate that oral pleading was not more general—but he had to speak of the forms as they existed; and this he could declare, that the Judges of Scotland, especially those of the Inner Court, had the greater part of their duties to perform out of Court. He need not, he trusted, remind the House that the judicial office was of all others entitled to respect, and that the holders of that high office should never be lightly charged. In the course of the present Session two cases had occurred, in which, according to ordinary custom, the arguments of counsel on both sides were reduced to writing, and with the documents, &c., necessary to introduce, occupied in the one case 600 printed pages quarto, and in the other 1000. The arguments of the parties were so well stated in these written papers, that the learned counsel at the bar said, they would not waste the time of the court by saying anything. To all appearance, therefore, the case would have seemed to go off with a few words: whereas the judges had, in reality, all this enormous mass of argument to read through at home, and he was quite sure, that read through it was, with attention and care, such as the importance of the case, and the responsibility of their office demanded. And he knew that the duties of the learned judges were often so onerous as to compel them to trespass considerably upon their vacations. A return, he was aware, had been ordered by that House of the number of days during which the Courts of Scotland had sat. That return would, he was persuaded, present a very false picture; but if, in addition to that, a return were ordered of the number and length of the documents read through by the judges in the course of the year, the result would be far different. It had been said, that there were some secret, unavowed reasons for pressing this bill. He knew of none, except such as existed in the jealousies of some hon. Members. Of this he was quite sure, that the promoters of the bill would at any time be perfectly ready to defend it. With reference to the attack which had been made upon Lord Jeffrey, he knew that when his noble and learned Friend left his profession, he was at the head of it—that his labours in that House had greatly impaired his health; that he was himself unwilling to go to the Bench, though, anxious that the country should not lose his services, he reluctantly yielded to the solicitations that pressed him to accept the judicial office, of which he was now so great an ornament. It could not be questioned, that the emoluments of the judicial office in Scotland were not such as to tempt those practitioners at the bar who were at the head of their profession. And if ever there was an office on which a fair and just liberality might legitimately be exercised, it most assuredly was the judicial. Much had been said as to the alleged extravagance of the retiring allowances fixed by this bill. It had been objected, that judges were allowed to retire upon full salary. And this had been stated as if a judge might be appointed to-morrow to the bench, occupy the station for a few weeks, and then retire on full salary. Now the provision was, that a judge, seventy years of age, after fifteen years' service, might retire on full salary. Was it not important to the public interests, that a judge arrived at such an age, and after such a service, should be relieved from the painful necessity of balancing in his own mind the propriety of remaining in an office, the duties of which he could no longer efficiently discharge—or, by retiring, relinquish the possibility of earning a few more hundreds a-year for his family? Surely there was in such a provision no great danger of extravagance in the distribution of public funds?—nor in the provision that a judge afflicted with some permanent disabling disease might also retire on full allowance? Under all these circumstances, he trusted the majority of the House would sanction the bill.

Mr. *Wallace* conceived, that he was one of the "triumvirate" of opponents to this bill who had been alluded to. Certainly he had always been opposed to granting the public money when he was quite convinced it was not required. He agreed in characterising the bill as about the most nefarious job ever seen in that House. He begged leave to correct the Lord Advocate as to the judge's retiring allowances, with regard to which the learned Lord was quite mistaken, as he would see if he did but read the 13th clause, which "enacted that a Judge of the Court of Session, who shall have attained the age of seventy, and shall have acted as such for a period of fifteen years, or if any Judge of the said court shall be afflicted with any permanent infirmity incapacitating him from the discharge of his duty, such Judge, in the event of his resignation, shall receive the full retiring allowance." There had not been in all that had been said by the Learned Lord Advocate, or by the half-learned Member for Caithness any thing new, except indeed those facetious outbreaks in which the hon. Baronet had indulged, and which he did not think it necessary to notice. The salaries of the Judges were about to be raised by this bill. What for? How was their time occupied? He was not to be deterred by any pleasantries from pursuing this inquiry as to time, which, after all, he considered a main point to be kept in view. And it should be borne in mind that these judges did not sit more than five months in the year, or more than two hours in the day. And those voluminous pleadings—those lengthy documents—which had been alluded to as in justification, were in fact what was complained of. No personal imputations were cast upon the judges—though it was always the trick of the Lord Advocate of the day to speak as if it were a question of the judges' personal character. With all respect for the judges, he attacked the system—and he destested and despised the system of the Court of Session—the people of his country agreed with him, in respecting their judges—but abhorring the system—for which they had good reason, seeing the expense and delay attending upon the proceedings in this Court. The judges had two long vacations in the year—one of four months, the other of two; and on the 12th July they would disperse through the country, and none of them be in Edinburgh before the 12th November. Why if the judge only devoted half his time to the duties of his office, it might justly be said that his salary was at a double rate of that which he received; a judge who sat only five months in the year, and received 2,000*l.* a year, did virtually receive at the rate of 4,000*l.* a year. In England and Ireland the judges sat ten months in the year. That was his argument for reducing the number of the judges—that their time might be as fully occupied as that of the others. Those innumerable piles of printed documents which had been spoken of were caused by the rules that these judges themselves framed. It was not the statute law, but judge-made law; and he believed sincerely that they kept up the system, because they saw it was impossible otherwise to retain their situations. He had often before declared this, and he now repeated it before a new Lord Advocate.—It was said that some new duties were thrown upon the judges, but this would not impose upon them the necessity of sitting any longer than they did at present. Then it should be remembered that the number of causes was yearly decreasing, had been so for the last ten years, and would doubtless continue to decrease. He had moved for an inquiry into the subject; he was not at all surprised that Dr. Lushington, and other judges, should have declared their opinions that judges could not be too highly paid—it was all in their own way; every other body would have done the same; members of the same profession would always "hark together," as sportsmen would say—"on the same scent,"—when that "scent" might put anything into their pockets. Another reason why the present system was agreeable to lawyers was, that on the 12th of March the Scotch lawyers came to the House of Lords upon appeals, and it was notorious that there were twice the number of appeals from Scotland to the House of Lords that there were from all other parts of the United Kingdom. He conceived the title of the bill ought to be as follows:—"A bill to regulate the duties to be performed by the judges of the Supreme Court of Scotland so as to increase their present state of ease and comfort, by adding largely to their salaries without adding at all to their judicial duties, or diminishing the delays, expenses, and endless vexations, created by the breaking up of the courts during long vacations." He would, after the close of the Session, appeal to the people of Edinburgh and the Chartists, whether this was not the true character of the bill. He was sure he would have a show of hands in his favour. For these reasons he should support the amendment of his hon. Friend.

The *Attorney-General* would delay the House for a very few minutes. Nothing new could be urged on this subject, because all the old objections were answered by all the old arguments in favour of it, and which had always proved satisfactory and successful. The hon. Member for Greenock had said he venerated and respected the Judges, and yet he stated they upheld the present system, for the purpose of their own private and pecuniary benefit. He believed, that if the hon. Member put forth such sentiments even to the Chartists, that the Chartists would hiss and hoot him, and hold his sentiments up to execration. It was not right that such language should be made use of in the House of Commons. Personally he had no interest in this question—he could not aspire to a seat on the Scotch bench, but as a Scotch representative he would pronounce his clear and decided opinion to be, that the bill was a fair, just, expedient, and politic measure. It had been said the measure was unpopular. He had received no such representations from Scotland as had been referred to, and he was not afraid to meet the hon. Member before his constituents respecting the merits of this bill, but if it were ever so unpopular he should feel it to be his duty to uphold it. Neither of the triumvirate have said that 3,000*l.* a-year were excessive. [Mr. *Hume*—We have all said so.] He had not so understood. He denied the number of the Judges was excessive. They had greatly reduced their number already. The population and wealth of the country were increasing, and the judicial business was increasing in the same ratio. There was no ground for saying their number should be reduced, or that they were not sufficiently occupied. A contrast had been drawn between the Scotch and the English Judges. Why, the English Judges were worked too hard. And it would be indispensably necessary to increase the judicial strength in England. That was the opinion he entertained, and he would have no difficulty in expressing it in that House, or elsewhere; because by the present system, they were delaying justice, and violating Magna Charta by the economy, as it was called, of withholding reasonable compensation for such additional judicial strength as was wanted. In England there were now only the same number of Judges as existed in the reign of Edward 3rd. This bill had his full consent and approbation, and he believed it would give satisfaction to the people of Scotland.

Mr. *Oswald:* The Attorney-General had stated this measure would not be unpopular in Scotland. He believed, that any increase in the salaries of the Judges at the present moment would be unpopular with nine-tenths of the people of Scotland. Why the Supreme Court of Scotland was a court which nobody went to that could possibly help it, it was not for him to explain. There was a great want of confidence in that court, why he could not tell; but it never would have the confidence of the people unless some alteration took place, of which he did not pretend to be a judge. He did not believe, that dislike attached to the personal character of the Judges, but there was something about the court, or in the opinion of the public with regard to it, that he would venture to say there was not another court in the country that had so little confidence placed in it. Therefore, the learned Attorney-general was in error, when he believed the measure would be a popular one in Scotland.

The House divided on the original question:—Ayes 51; Noes 21:—Majority 30.

List of the Ayes.

Baring, F. T.
Barnard, E. G.
Barry, G. S.
Blake, W. J.
Broadley, H.
Busfeild, W.
Campbell, Sir J.
Clerk, Sir G.
Craig, W. G.
Curry, Mr. Sergeant
Dalmeny, Lord
Darby, G.
Donkin, Sir R. S.
Douglas, Sir C. E.
Grant, F. W.
Greene, T.
Hepburne, Sir T. B.
Hope, hon. C.
Hope, G. W.
Howick, Lord Visct.
Jackson, Mr. Sergeant
Law, hon. C. E.
Lemon, Sir C.
Lockhart, A. M.
Lushington, rt. hn. S.
Macaulay, T. B.
Mackenzie, T.
Macleod, R.
Nicholl, J.
Packe, C. W.
Parnell, rt. hn. Sir H.
Pendarves, E. W. W.
Pigot, D. R.
Pringle, A.
Rae, rt hon. Sir W.
Rutherfurd, rt. hn. A.
Sinclair, Sir G.
Slaney, R. A.
Steuart, R.
Stuart, W. V.
Stormont, Lord Visct.
Talfourd, Mr. Sergt.
Tancred, H. W.
Thomas, Colonel H.
Thomson, rt. hn. C. P.
Troubridge, Sir E. T.
Vere, Sir C. B.
White, A.
Wilkins, W.
Williams, W. A.
Wood, C.

TELLERS.

Maule, F.
Parker, J.

List of the Noes.

Bewes, T.
Brotherton, J.
Bruges, W. H. L.
Davies, Colonel
Evans, W.
Finch, Francis
Hector, C. J.
Hodges, T. L.
Marsland, H.
Morris, D.
O'Connell, J.
Oswald, J.
Pease, J.
Rundle, J.
Turner, W.
Vigors, N.
Wakley, T.
Wall, C. B.

Wallace, R.	TELLERS.
Warburton, Henry	Hume, J.
Williams, W.	Gillon, H.

Bill read a third time.

Mr. *Wallace* moved the following clause to be inserted after clause 12:—"And be it enacted, that a return shall be made within fourteen days from the commencement of every future Session, and be presented to both Houses of Parliament, setting forth, in columns, the number of days each division of the Inner House has sat during the Session immediately preceding and also the number of hours each of the said divisions usually sits daily; and that the said returns shall be signed by the senior Judge of each Court respectively." This was one of the most important questions relating to Scotland that could come before the House. He had received a letter from a Mr. Campbell, which he would read to the House. The letter was addressed to the Attorney-General, from a correspondent of his in Glasgow, and clearly pointed out the unjustifiable interference of the Court of Session with a humane Act of Parliament—namely, the Cessio Bonorum Act. The hon. Member then read the letter, which strongly deprecated the course pursued by the Court of Session with respect to Acts of Sederunt. Now if that letter was founded on fact, it was an undoubted proof of what he had alleged. If the allegations contained in it were untrue, then the Attorney-general had his correspondent to deal with, and so had he. For his own part, he would take care that the letter should be made public through the medium of the press, the Chartist part of it as well as any other. The hon. Member concluded by proposing the first clause of which he had given notice.

Clause read a first time. On the question, that it be read a second time,

The *Lord Advocate* opposed the clause. The Act of Sederunt, of which so much had been said by the hon. Member for Greenock, was nothing more than a rule or regulation of the Court with respect to its own proceedings. As to the clause that had been proposed, he could see no necessity for it, inasmuch as the object it had in view was already fixed by statute. As to the latter part of the clause, he considered it would be derogatory to the Judges themselves, and would give a false picture of what took place in the Court of Session. He should therefore give the cause his strenuous opposition.

Mr. *Hume* could not see how it could be considered derogatory to the Judges to make a return of the number of hours they sat. Who, he would ask, were the men that refused to give the information but those who were ashamed that their habits should be known. If a Judge did his duty he thought he could have no objection to its being known how long he sat. He had been asked upon what ground it was, that he considered the Judges of Scotland amply paid at 2,000*l.* a-year? In answer to that question he would say because he could get the first men in the profession to take the office for that sum. His only object in opposing the present bill was to reform the wretched system that existed in the Courts of Scotland, and to enable the people of that country to obtain justice, and in his determination to persevere in his opposition to the bill, he had been greatly strengthened by what had fallen from the hon. Member for Glasgow. The hon. and learned Gentleman talked of miserable economy. They forgot that there was always two parties to such bargains—those who paid and those who received. Then he complained of the opposition being given at so late a stage of the bill. When he had been a little longer in the House he would find, that it was necessary to give opposition to some bills on every stage. His predecessor could have told him, that the bill had before received much opposition, and that he had found much trouble in carrying it through its former stages. When he had longer experience he would find, that the opposition was given to bills in every stage, and that the present bill had not received half the opposition which many other bills had received. The opposition to the returns asked for, was only a proof to him, that they could not be made in such a manner as was likely to be acceptable to the public. In his opinion it was necessary to get rid of the printed forms of pleading before they gave any augmentation to the salaries of the Judges.

Mr. *Aglionby* had not heard one word applicable to the clause before the House, however, he could not support any clause which should fix the salary of the Judges of Scotland at 2,000*l.*, for he thought that too low a salary to command the services of men fit for the situation. He would suggest, however, that the returns should be got by periodical motions, and that it was not necessary to include the regulation in an Act of Parliament.

Mr. *Warburton* said, hon. Gentlemen forgot that the House had been lately engaged in a discussion with respect to their privileges. Suppose they were to order these returns and they were refused—how were they to enforce their privileges unless they were made part of an Act of Parliament? They could not then be refused, but after what had passed, how were they sure they could enforce their orders?

Lord *Howick* hoped they would not then bring under discussion any question of privilege—they were not then either doubted or disputed. But if they were to embody such a clause in an Act of Parliament, would it not be suggesting to those who might wish to dispute their privileges the propriety of doing so?

Mr. *Wallace*, in reply, hoped to gain the vote of the hon. Member for Cockermouth. He might make periodical motions for these returns, but he might be resisted by the Lord Advocate, or some Lord Advocate, and what chance had he of getting them. He would press his amendment to a division.

The House divided on the question, that the clause be read a second time—Ayes 14, Noes 59; Majority 45.

List of the Ayes.

Bridgeman, H.
Gillon, W. D.
Hector, C. J.
Morris, D.
O'Connell, J.
Pease, J.
Redington, T. N.
Somerville, Sir W. M.
Turner, W.

Vigors, N. A.
Wakley, T.
Warburton, H.
White, A.
Williams, W.

TELLERS.
Wallace, Mr.
Hume, J.

List of the Noes.

Aglionby, H. A.
Bairing, F. T.
Barnard, E. G.
Bernal, R.
Broadley, H.
Brotherton, J.
Bruges, W. H. L.
Busfeild, W.
Campbell, Sir J.
Cayley, E. S.
Clerk, Sir G.
Craig, W. G.
Curry, Mr. Serjeant
Dalmeny, Lord
Darby, G.

Donkin, Sir R. S.
Douglas, Sir C. E.
Elliot, hon. J. E.
Ferguson, R.
Gordon, R.
Grant, F. W.
Greene, T.
Hepburn, Sir T. B.
Hobhouse, T. B.
Hope, hon. C.
Hope, G. W.
Hope, G. W.
Howick, Viscount
Hughes, W. B.
Jackson, Mr. Serg.

Lambton, H.
Lemon, Sir C.
Lockhart, A. M.
Lushington, R. H. S.
Macaulay, T. B.
Mackenzie, T.
Macleod, R.
M'Taggart, J.
Nicholl, J.
Norreys, Sir D. J.
Parnell, rt. hon. Sir H.
Pendarves, E. W. W.
Pigot, D. R.
Pringle, A.
Rae, rt. hon. Sir W.
Round, C. G.

Rutherfurd, rt. hn. A.
Seymour, Lord
Sinclair, Sir G.
Steuart, R.
Stewart, J.
Stuart, W. V.
Stock, Dr.
Stormont, Lord Visc.
Talfourd, Mr. Serg.
Tancred, H. W.
Troubridge, Sir C. B.
Wilkins, W.
Williams, W. A.

TELLERS.
Maule, F.
Parker, J.

Mr. *Wallace* then moved several successive clauses all of which were negatived without a division.

Mr. *Hume* moved an amendment to clause 12, to the effect that the number of judges be reduced, though he would not name any particular number, as upon that point there were different opinions; and that they should sit ten months in the year, the same as the judges did in England and Ireland.

The House divided on the amendment—Ayes 22; Noes 46: Majority 24.

List of the Ayes.

Aglionby, H. A.
Bannerman, A.
Bridgeman, H.
Brotherton, J.
Bruges, W. H. L.
Chalmers, P.
Finch, F.
Hastie, A.
Hector, C. J.
M'Taggart, J.
Melgund, Lord Visc.
Morris, D.
O'Connell, J.

Pease, J.
Redington, T. N.
Somerville, Sir W. M.
Turner, W.
Vigors, N. A.
Wallace, R.
Warburton, H.
White, A.
Williams, W.

TELLERS.
Hume, J.
Gillon, H.

List of the Noes.

Baring, F. T.
Bernal, R.
Blake, W. J.
Broadley, H.
Campbell, Sir J.
Clerk, Sir G.
Craig, W. G.
Curry, Mr. Sergeant
Dalmeny, Lord
Eliot, Lord
Elliot, hon. J. E.
Gordon, R.
Grant, F. W.
Greene, T.
Grimsditch, T.
Hawkins, J. H.
Hepburn, Sir T. B.
Hobhouse, T. B.
Hope, hon. C.

Hope, G. W.
Hughes, W.
Jackson, Mr. Serg.
Lambton, H.
Lushington, rt. hn. S.
Mackenzie, T.
Macleod, R.
Nicholl, J.
Noel, hon. W. M.
Norreys, Sir D. J.
Parker, J.
Parnell, rt. hn. Sir H.
Pendarves, E. W. W.
Pigot, D. R.
Pringle, A.
Rae, rt. hon. Sir W.
Rolfe, Sir R. M.
Sinclair, Sir G.
Steuart, R.

Stewart, J.	Verney, Sir H.
Stuart, W. V.	Wilkins, W.
Stock, Dr.	Williams, W. A.
Stormont, Lord V.	TELLERS.
Talfourd, Mr. Serg.	Maule, F.
Vere, Sir C. B.	Lord Advocate

Sir *W. Rae* objected to the clause fixing the retired allowances of the judges at the same amount as their increased salaries. When the salaries of the English judges were increased in the years 1824 and 1825, a proportionate increase was resisted when claimed by him on behalf of the Scotch judges, until certain reforms in the system of legal procedure should be adopted in the courts in Scotland. That argument was used by Mr. Home Drummond, and agreed to by all the Members present at that discussion. In a subsequent Session of Parliament, he introduced a bill which, in accordance with those suggestions, not only abolished the Jury Court and Commissary Court of Scotland, but also did away with two judges, which had not been recommended; and when all those things had been done, he certainly was surprised that so long a period had been allowed to pass without giving the remaining judges the promised increase of their salary. By the present law the judges, on retiring, are allowed three-fourths of the salaries which they receive at the time of their resignations, and he certainly thought that was a sufficient allowance. Therefore, while he approved of the increase to the salaries of the judges, he must say, he could not agree to the proposal of continuing them in the receipt of their full salaries when they may have retired from their official duties. On what account did the House agree to give large salaries, but as a remuneration for the duties which those judges had to perform? It was given to them as a recompense for those duties and for the status they had to fulfil; and there was no principle in which it could with justice be maintained, that they should continue to draw the same allowances when they no longer had those duties to perform or that status to fill. He was confident the hon. and learned Gentleman the Attorney-general could adduce no precedent for such a course. It was entirely unexampled in the judicial annals of the country, and it was idle to think that men of high character and integrity would be bribed by the increase of a few hundred pounds to retire from their situations. Therefore, viewing the clause as highly unjust in a public point of view, and in every sense inexpedient, he felt he should be neglecting his public duty if he did not express his decided opposition to the clause. The hon. Baronet concluded by moving an amendment to keep the retired allowances on their present footing.

The *Attorney-General* had not quite so long experience in the profession as the hon. Baronet, neither did he wish to say anything disrespectful to the bench; but at the same time he certainly could suppose a case, where great public benefit might be gained by bribing judges with handsome allowances to retire from the bench. He could imagine cases in which judges of honorable mind and disinterested feelings would have a disinclination to retire, where they might entertain reluctance to adopt that step, from the fear of diminishing their income, and interfering with the comforts of their families. Should such a case occur, he thought that the delay in the administration of justice, and the monstrous mischief which might be so produced would be cheaply avoided by paying an additional amount of salary, if, by so doing, that object could be accomplished. But, nevertheless, while he stated this much upon the general question, he must admit that he had been much impressed with the observations of the hon. Baronet. And while he stated the opinion which he had now given, it certainly was on the assumption that it should be one of general application; that it should be enforced throughout the country as a rule; and he was satisfied it ought not to be begun in Scotland, and so brought into partial operation. So much, indeed, was he of that opinion, that he thought the clause ought at once to be withdrawn.

Mr. *Aglionby* had thought all parties had agreed, that it was desirable, that the judges in Scotland should not have inducements held out to them to continue on the bench when their faculties were in any way decayed, and it was with this view, that the clause had been framed. The hon. and learned, the Attorney-general, admitted the principle of the clause to be good, but he objected to it because it did not extend to this country and Ireland. If it was a good clause, why not continue it in the bill, and also take steps to extend it to this country? He should oppose the withdrawal of the clause.

Mr. *E. Ellice*, jun., had objected to the bill in its previous stages, on the ground, that they ought not to legislate on this subject until inquiry had been made into the whole system of the administration of justice in Scotland. He was still opposed to the bill on the same ground. This clause was one of the best in the bill, and he should also object to its withdrawal.

Clause struck out.

Mr. *Wallace* proposed the insertion of words to the effect "that within fourteen days after passing acts of sederunt by the Court of Session, copies of such acts should be laid on the Table of that House, if Parliament was sitting, and if it was not sitting, within fourteen days after the commencement of the ensuing Session, and that such acts of sederunt should not be binding until they had received the sanction of Parliament."

The *Attorney-General* stated, that the adoption of such a clause would render the making all such acts of sederunt nugatory, for as often as acts of sederunt were made, so often must they have Acts of Parliament to confirm them. It might be useful to make provision that so often as these acts of sederunt were passed, they should be laid before Parliament, but it would be impossible to agree to this proposition.

The House divided:—Ayes 17; Noes 53: Majority 36.

List of the Ayes.

Aglionby, H. A.
Bridgman, H.
Chalmers, P.
Brotherton, J.
Ellice, E.
Hector, C.
Hume, J.
Melgund, Lord Visc.
Morris, D.
Redington, T. N.
Somerville, W. M.
Stansfield, W. R.
Turner, W.
Vigors, N. A.
Warburton, H.
White, A.
Williams, W.

TELLERS.

Wallace, R.
Gillon, H.

List of the Noes.

Baring, F. T.
Bernal, R.
Blake, W. J.
Broadley, H.
Bruges, W. H. L.
Busfeild, W.
Campbell, Sir J.
Cayley, E. S.
Clerk, Sir G.
Craig, W. G.
Curry, Mr. Sergeant
Dalmeny, Lord
Eliot, Lord
Elliot, hn. J. E.
Evans, W.
Freshfield, J. W.
Gordon, R.
Grant, F. N.
Greene, T.
Hastie, A.
Hawkins, J. H.
Hobhouse, T. B.
Hope, hon. C.
Hope, G. W.
Howick, Ld. Visct.
Hughes, W. B.
Lambton, H.
Lemon, Sir C.
Lushington, rt. hn. S.
Macaulay, T. B.
Mackenzie, T.
Nicholl, J.
O'Ferrall, R. M.
Packe, C. W.
Parker, J.
Parnell, rt. hn. Sir H.
Pendarves, E. W. W.
Pigot, D. R.
Pringle, A.
Rae, rt. hn. Sir W.
Rice, rt. hn. T. S.
Rolfe, Sir R. M.
Rumbold, C. E.
Sanford, E. A.
Sinclair, Sir G.
Stanley, hn. E. J.
Steuart, R.
Stewart, J.
Stuart, Lord J.
Stock, Dr.
Stormont, Lord Visc.
Talfourd, Mr. Serg.
Williams, W. A.

TELLERS.

Maule, F.
Lord Advocate

Bill passed.

On the question as to the title of the bill,

Mr. *Wallace* proposed, that the title of the bill should be amended as follows:—"A bill to regulate the duties to be performed by the judges of the supreme Court of Session in Scotland, so as to increase their means of comfort and enjoyment by adding largely to their salaries without increasing their judicial duties, without diminishing the delays and consequent expense to the suitors by reason of their present long vacations."

Mr. *Fox Maule* said, that it might be very well to excite a smile by proposing such an amendment, but he could not help saying, that doing so tended to bring the proceedings of that House into contempt; he, therefore, protested against it.

Mr. *Hume* stated, that the bill had his unqualified opposition; and instead of tending to lessen the expense of these courts, it would ensure a most lavish expenditure. He protested once more against it, and thought that it was properly described in the title proposed by his hon. Friend.

Mr. *E. Ellice*, jun., observed, that his reason for seconding the amendment of his hon. Friend was, that this bill would ensure an additional expenditure of 15,000*l.* a-year, without producing the slightest advantage to the public.

Amendment negatived. Bill passed.

Copyholds Enfranchisement Bill.] Mr. *J. Stewart* moved the third reading of this bill.

Mr. *G. W. Hope* objected to their proceeding with this bill in the absence of the right hon. and learned Member for Ripon, who had objected to it in its former stages.

The *Attorney-General* trusted, that his hon. and learned Friend would persist in his motion, as ample notice had been given of his intention to propose it that night; and it was an important and beneficial measure, which, when carried into effect, would be productive of much good.

Bill read a third time, and passed.

HOUSE OF LORDS,

Thursday, July 4, 1839.

MINUTES.] Bills. The Royal Assent was given to the following Bills:—Sugar Duties; Exchequer of Pleas; and a number of private ones.—Read a first time:—Supreme Courts; Copyholds Enfranchisement.

Petitions presented. By Lord Kenyon, from two places in Gloucestershire, against the Ecclesiastical Courts Bill.—By the Bishop of London, from several places, for Church Extension in Canada.—By the Earl of Aberdeen, from several places, for Church Extension in Scotland.

BIBLE IN SCOTLAND.] The Earl of *Haddington* took the liberty of asking the noble viscount opposite (Viscount Melbourne) a question relative to the commission to be appointed in reference to printing the Bible in Scotland. An impression had got abroad, and an apprehension was entertained among members of the Established Church, that it was the intention of the government to place some dissenting ministers upon the board or commission to be appointed. He desired to be informed whether such was the intention of government or not? It was understood, that the board was to consist of the Lord Advocate, the Solicitor-general, two divines, and also two learned laymen, members of the Church of Scotland. Was it intended that the divines, as well as the laymen, should be members of the Church of Scotland; or, if not, was it the intention of the Government to place any Dissenter or Seceder on the commission, and if so, of what denomination?

Viscount *Melbourne* was not aware that any such intention existed.

GOVERNMENT OF JAMAICA—SECOND MEASURE.] On the order of the day for bringing up the report upon the Jamaica Bill.

The Earl of *Harewood* rose and said, that he had been considering the question involved in this bill, and he would state, with the permission of their Lordships, the opinion to which he had come. He thought, that the matter upon which this subject was hung was the Prisons Bill. Now, he would state the truth. When that bill was brought in during the last Session of Parliament, it was at a very late period, and on that account, and on account of the absence of many noble Peers from their places, and of, what would always give rise to difficulty, inattention to public business until the moment when it was absolutely necessary, the bill passed through the House without any observation. It passed through the House of Commons as a matter of course, without any observation, and he verily believed, that in truth Parliament was not aware at the time, that it was passing an Act which touched upon the privileges of the House of Assembly, or upon the constitution of Jamaica. If that, then, was really so, and he thought it was, it appeared to him that the great difficulty which attended the subject was removed. It certainly was somewhat disparaging to the Parliament, that it should not have given the subject due and proper attention, because if it had been discussed then as it had been now, as touching the privileges of the House of Assembly, it would have been adopted, if it were adopted at all, with their eyes open. If, however, under existing circumstances, the governor of the island had only been told to offer an explanation to the effect he had mentioned, there would have been no difficulty at all; and even now, if the governor going out were to offer the same explanation — he did not mean in the shape of an apology—he had no doubt that all difficulty would be removed at once. They must recollect, that in fact there had been no opportunity given to the Assembly of knowing the truth. That body was prorogued at the time the bill went out, and was so still; and if what he had suggested were done, he could have no doubt that it would go on to discharge its legislative functions. If, however, the House of Assembly was not prepared to proceed to business, then he would be as ready as anybody to adopt measures to deprive it of the power of legislating for the colony. His wish was to put an end to all those sources of discontent which at present existed, and which would go far towards delaying the great object they had in view of civilising the negroes. This, however, could not be accomplished without the withdrawal of the measure before the House; and, in asking the noble Viscount to adopt this course, he begged to assure him, that he did not desire to impeach or object to his measure in any clandestine or improper manner.

Lord *Brougham* said, that in consequence of what had been said the night before last in Committee, he was prepared to give their Lordships an opportunity of expressing their opinions upon the second, now the only remaining clause of this unfortunate bill. He had already stated his objections to the clause. His noble and learned Friend (Lord Lyndhurst) who had so powerfully opened the debate in a statement in his manner as to the laws, which was luminous to the greatest degree, and which left no doubt as to the scope of his opinions, or as to the arguments on which they were founded, applied himself to the second clause as well as to the first; but as he understood his noble and learned Friend only on this ground, that this clause comprehended within its provisions all expired laws, of which seven or eight were money bills, properly speaking; and he drew the distinction between those money bills and others of an ordinary description. Now, he conceived, that for obvious reasons involving the faith of the mother country, and the honour of Parliament, this distinction must be observed, and, therefore, he besought her Majesty's Government to reconsider this matter among themselves, and to draw the distinction by means of a proper proviso, leaving the enactment not to apply to money bills, but to the other common acts. He was fain now again to make the same appeal to his noble Friends who were intrusted with the management of the affairs of the Government. They had brought forward this bill, and this clause contained a most general sweeping power, and he put it to the noble Lords to withdraw that part of the bill. He had argued this question at so much length the other evening, that he did not consider it necessary to say much in support of his proposition. The bills to which he alluded were in every respect money bills. The renewing them when expired was to all intents and purposes bringing in a new money bill, and the passing it was imposing a new tax; and he could not but say that he was surprised to hear any doubt expressed upon that point. In the case of the income-tax, with which this country had been so long burthened, it had been determined that it should be looked upon only as connected with the war, and it was therefore repealed. It was now therefore an expired tax, by means of a clause precisely similar to that under discussion, and if any one were to bring in a bill to renew that tax, could any one doubt that according to common sense, that would be imposing a new impost? He knew that there was a difference between the imposition of an original tax, and merely renewing a tax which had been once approved of by the representatives of the people. He objected to the whole of this bill, but he waived his objections to the greater part, because he was told that on one point, at least, it was necessary; but for the money parts of the bill there was no necessity. He was authorised by the agent of the House of Assembly to say, that he was ready to prove at their Lordships' bar, that there was no necessity, that money was in abundance, and that in the courts of Jamaica the construction put upon the words "faith with the public creditor," used in the resolution of the House of Assembly, would make them cover the claims of all public officers, whether civil or military. The great corner-stone of the constitution, on which depended all the rights and liberties of this country, was the doctrine, that none should be taxed without their consent. He knew that it had been held formerly by a learned lawyer—he hoped that no such lawyer would at the present day be found within that House—but it had been held formerly by a learned lawyer in the other House of Parliament, that though this general doctrine was true, yet that the colonies might be taxed; for that the colonies were virtually represented, because they, for some legal purposes in this country, were said to belong to the manor of East Greenwich. That doctrine, however, was scouted at the time, and the law, with respect to the taxation of the colonies was most clearly and distinctly laid down as he had described it in the declaratory act of the British Parliament. He was addressing their Lordships on the 4th of July, and it was the first time that any Member of either House had been obliged to address that House against an attempt to revive that right, which was abandoned at the American war. It was strange that he should be thus addressing them on the anniversary of the declaration of American independence on 4th July, which was directly caused, and was bottomed in distinct terms, on the right assumed by this country to tax the colonies. He knew also that the English Parliament was a powerful body; it was because it was powerful, because it was just, because it loved justice, and because it preferred the exercise of mercy to the oppression of the weak, that he called upon that House to abstain from lending itself to oppression. He would not discuss the plea that might be put forward, that they were not taxing the colony, merely because they did not do it in direct terms by a bill, which, if it were to be done at all, would be the wiser, and would be the better course, but appointed a dictator devoted to the purpose. This was the first time since 1778, that the declaratory act of that year was abandoned, and let them not flatter themselves that the country would not give them the credit, or rather the discredit, of having abandoned that act, of having broken faith with the colonies, and of having broken faith with the people of this country; when they were aware that they would not attempt the same experiment against the strong, and would only try it against a weak settlement like Jamaica. It was not a safe course for their character, for their honour, it was not safe for their credit with the country to take this step. He protested that their honour, that their character, and that their credit would be more damaged by an oppression of the weak, than if they were to succeed, after a gallant struggle, in subduing a powerful antagonist. They should especially protect the feeble—they should carefully abstain from oppression. He was not one who would advise them exactly to adopt the Roman eulogy, but at any rate he begged that they would not reverse it. Do not trample on the feeble, for those who did so would be most likely to crouch before the powerful. He would propose the following proviso:—"Provided, that nothing herein contained shall enable the said governor, with the assent of the said council, to continue or renew any acts for the raising or appropriating of money." But whatever determination the House might come to, he would enter his dissent from any vote in favour of this bill in the very words of his protest against the Canada Bill.

Viscount *Melbourne* said, that he only rose to answer the questions that had been put to him. In reference to the appeal that had been made to him by the noble Earl opposite, he assured the noble Earl that he would be most happy to accede to his suggestion, if he thought that it would have the effect of ending amicably the unfortunate differences which had arisen, or if there were any possibility of expecting such a result consistently with the course the Assembly had hitherto pursued, or consistently with common sense. It was impossible for him to agree to the suggestion made by the noble Earl on his mere expectation; for the noble Earl had stated no reason whatsoever, he had stated no authority whatsoever, that by his own course they would succeed in producing the result that he expected. What was the noble Earl's proposition? That the Government should withdraw the present bill, and offer an apology to the Assembly for the bill that had passed; to say that it had been passed in a hurry, that it was passed in ignorance, and that the Parliament did not know that it would overrule the authority of the House of Assembly. He could not say that. Other noble Lords might say so, but he could not. It was not the truth with respect to himself. He perfectly well knew what he was about; he knew perfectly well to what the Prisons Act would lead; he knew perfectly well that it was a matter providing for internal regulation; he knew that it was necessary; and some noble Lords felt a little more eager about it last year than they appeared to be now—that might arise, however, from the different course of legislation pursued during the last two years; but when the Prisons Act was passed, he felt perfectly certain that the House of Assembly would consider it an attack upon their privileges, and an interference with what they thought to be their own peculiar functions. Noble Lords now said that the bill was passed *sub silentio*; it did pass without much speaking, but it did not follow from this that no one was acquainted with its provisions or with its operation. As it was thus passed, it seemed that every one agreed to it, that every one knew its provisions, and that every one thought them to be proper. That was the inference he had a right to draw from the manner in which that bill was passed. It was impossible, then, for the Government of this country—with any regard to its honour, with any regard to its dignity, and with any regard for the success of measures which might be passed for the future welfare of the colonies—to accede to the suggestion of the noble Earl. Neither could he accede to the suggestion of his noble and learned Friend on his right. He agreed with the general principles laid down by the noble and learned Lord, that there should not be taxation without representation; he agreed with the noble Lord that, to renew a tax which had expired, was the same thing as imposing a new tax, although the noble Lord supposed that opposition would be given to his statement, and had evidently prepared an elaborate argument in case a different course was taken. He agreed with the noble Lord, that it was wise, that it was generous, that it was just, not to use any oppression; he agreed with the noble and learned Lord, that it was worse to oppress the weak, to oppress the ill used, to oppress the feeble, than to attack the strong. He agreed in the sentiments, in the feelings, and in the policy of the noble Lord. But the fallacy of all this argument was clear. Were they oppressing? The Government contended that this bill was not an act of oppression, but that it was a measure called for by necessity. Unquestionably, to oppress the weak was base, was unmanly, was inexpedient; but the Government contended, that this Act was rendered necessary by the misconduct and by the contumacy of the House of Assembly themselves. He considered that a power of legislation was absolutely necessary. Many duties would expire if they were not renewed, and the appropriation was absolutely necessary to be renewed, and he contended that such a power was as necessary as the power given in any other part of the clause. Therefore he could not agree to the suggestion of the noble and learned Lord.

The Earl of *Wicklow* said, that after the agreement expressed by the noble Viscount in the principles laid down by the noble and learned Lord, he was surprised at the resolution to which he had come. The answer given by the noble Viscount to the noble and learned Lord's argument was anything but convincing. The noble Viscount said that they were justified in maintaining these enactments, because the Government considered that they were not doing an act of injustice, but were benefiting the colony. Might not any act of any Administration be justified by such an answer? They were about to depart from the rule laid down in the declaratory Act of 1778; they were about to establish a new precedent, and to act in a case against the weak and impotent in a manner which at some future day, against the powerful, would be drawn into a precedent most objectionable. They were causing an interference which was not justified by the necessity of the case. Aware that their Lordships' House would hesitate in violating the great principle of taxation, the House of Assembly had taken great pains to show that there was no necessity for the interference of the Imperial Parliament. He trusted that the Government would give way to the proposal of the noble Lord, and, at any rate, that they would not consider it expedient to refuse concurrence in the amendment now proposed. If the same arguments as had been addressed to their Lordships had been advanced in the Commons, he was sure that the other House would never have consented to the clause as it now stood. Indeed, there was not one noble Lord who did not know that this clause was a violation of a great principle. He would support the amendment of the noble and learned Lord, and if he should be unfortunately defeated, he would enter as strong a protest as he could against this unjust and iniquitous proposal.

Lord *Cloncurry* had experienced great pleasure in hearing such constitutional doctrines advanced by the noble Earl. He supported the present bill because he considered that he was carrying out a most humane act, for which the people of this country had paid a very large sum, and for which they were now heavily taxed. Twenty millions of the public money had been voted to the planters on condition that the negroes should no longer remain in a state of slavery. The first part of the agreement had been fully performed by the people of England, but it appeared that there was difficulty in procuring a fair performance of the condition on the part of the planters. It was necessary, therefore, that something should be done to carry out the agreement, and to further the great cause of humanity. He would not, however, have spoken on a subject not immediately connected with that part of the empire to which he belonged, if he did not perceive a great similarity between the refusal of the representative House of Assembly in Jamaica to remove the inflictions on the negroes, and the manner in which a certain party in his own country endeavoured to prevent the intentions of the Legislature in giving to all persons there the rights of fellow-subjects from being carried into effect. He had been named on the committee appointed to inquire into the state of crime in Ireland; but he objected to be so named, because he thought that it was only intended to preserve in Ireland the very system he condemned in Jamaica. The people of England and of Ireland had covered themselves with honour and glory in making the great sacrifice to give freedom to the negro, and he, for one, would insist on all the conditions being performed.

The Marquess of *Normanby* said, that the noble Earl opposite (the Earl of Wicklow) had repeated the statement of the noble and learned Lord, that this was the first time this country had interfered with the Colonies in the shape of taxation since the declaratory act of 1778, and certainly there had been no direct money-bill. But the House of Assembly did not consider that there had been this abstinence, for they objected to the Act in Aid Bill of last year. When it was stated that this was the first time such a course had been taken, it must be observed that it was the first time any similar necessity had arisen; it was the first time that any body trusted with such functions had declined to exercise them, not from any objection they entertained to any of the bills that were annually passed, but from some alleged affront. Under the circumstances, therefore, it was necessary to revive the taxes, the distribution of which the Assembly had approved of in former years; and he could not conceive that an interference to this extent was so objectionable as a general interference. With reference to the statement that the terms "providing for the public creditor," meant more in Jamaica than they did here, he must remark, that even in Jamaica they did not mean providing for all the public servants. He believed that a great number of these public servants were as necessary servants as could be employed. Under the terms of the resolution of the House of Assembly, no provision was made for the army pay, the army lodgment, the commissioners of correspondence, the commissioners of public acts, the deputy martial, the militia, or police. The whole annual deficiency to supply these was 42,840*l.* sterling. Most of these offices were included in separate acts. But the deputy marshal, an officer necessary for the due administration of justice, was put into the bill for what was formerly called the "poll-tax," but now the tax on stock. The army pay and the army lodgment were provided for by separate bills. In short, the whole contingencies provided for by these bills were 61,000*l.* and there was not enough money to be raised by 42,840*l.* The proportion of revenue which might be collected under the acts now in force was 117,000*l.*, and the account was taken at the time when 56,500*l.* was in the hands of the receiver-general; the whole amount at that time was 174,000*l.* But on the year the deficiency would be as he had stated. To raise this they must revive the tax on stock, producing 18,000*l.*, and other taxes. The contingencies last year were 50,000*l.*; some of the contingencies might be casual; but still many would be to be provided for. To revive the tax on stock alone would not raise sufficient to meet the demands for the public servants, and such contingencies as there would be: 16,000*l.*, too, was raised by a tea duty, and further sums by other taxes on foreign commodities; and if these were not revived, they would be entirely lost to the colony. Their Lordships must bear in mind also that there appeared to be no provision for the repayment of the debt of 200,000*l.* due to this country, which became due within the next two or three years. The police tax was for a very necessary expenditure; the army pay and the army lodgment was a fair appropriation of the public money of the colony; it was an addition made by the colony to the pay of the soldiers serving in the colony, and for extra lodgment, and had always been considered proper. But the provision for the deputy marshal was the most important of all, and without it many of the expenses connected with the administration of justice, independently of the salaries of the judges, would be thrown away in some measure. The amendment of the noble and learned Lord said, that no money should be raised " or applied." Now, all the acts applied money—the Process Act, the Police Act, and other acts, all contained applications; and, in point of fact, the amendment then before the House, with the exception of the Clergy Bill, struck out every one of the expired acts from the operation of the Bill. For these reasons he trusted their Lordships would not agree with the motion of the noble and learned Lord, which, in the shape in which it at present stood, would exclude from this clause the expired acts altogether, and would not afford any means of satisfying the public service of the colony.

Viscount *St. Vincent* said, that the noble Marquess was mistaken with regard to the army payment. The army payment was a purely gratuitous act on the part of the colony. The present bill, would, therefore, have the effect of making that which was now voluntary become compulsory. He very much regretted that the noble Marquess would not agree to the motion of the noble and learned Lord, because he (Lord St. Vincent) thought it might be considered a great boon, and would be received as such by the colony of Jamaica.

Lord *Brougham* said, that he certainly should not withdraw his amendment, although he was not anxious to go to a division. The noble Viscount at the head of her Majesty's Government had made some very singular remarks the other day as to the noble Lord's voting from party motives. "I (said the noble Viscount) am an independent man, and, therefore, I vote from party motives." Those who voted disinterestedly were not, according to the notions of his noble Friend, independent men. Now, it was quite clear to him, that if their Lordships divided, noble Lords on the Opposition side would vote with his noble Friend, for they would vote from party motives. And if it were his disposition to act from such motives, he would have abstained from proposing any amendment at all, and have left the bill as it now stood, for it was no longer the bill of the noble Marquess, but the bill of Sir Robert Peel. It was precisely the measure which Sir Robert Peel proposed to substitute for the bill of the Government. This, indeed, might be a very good reason why some noble Lords should vote for it. He should not withdraw his motion, but would leave it in the hands of his noble and learned Friend opposite.

Amendment negatived, and report received.

The following protest was entered:

Protest against the Report of the Jamaica Bill.

Dissentient,

1. Because acts of this kind set all considerations of sound policy, of generosity, and of justice at defiance, and will most likely be regarded as indicating a design to crush whatever spirit of opposition to the Executive Government may at any time, and for any cause, show itself in any portion of the colonial provinces.

2. Because it is the fundamental principle of the British constitution, which was intended to be established in the chartered colonies by the common law of the constitution, and was finally promulgated in 1778, that no taxes whatever shall be levied, and that no part of the taxes levied upon the people shall be applied to any purpose whatever, without the consent of their representatives in Parliament; and this control over the revenue ought, in an especial manner, to be vested in the people of the colonies, seeing that it never can give them the same unlimited influence which it confers upon the people of the parent state; for if supplies are withheld by the Commons of England on account of grievances, the Crown has no other resource, and the grievance must be redressed; whereas, if the Commons of the colony withhold the supplies for the like reasons, the Crown cannot by this proceeding be obliged to redress the grievance as long as the Parliament of the mother country is willing to furnish the funds required.

3. Because the interfering with the revenue placed by the British Parliament at the disposal of the Colonial Assemblies without their consent is wholly subversive of the aforementioned fundamental principle, and directly contrary to the wise and salutary provisions of the act passed in 1778, nor does it at all signify, that this is said only to be done upon the present occasion, and that the rights of the Colonial Parliament are represented as left unimpaired. The precedent of 1839 will ever be cited in support of such oppressive proceedings as often as the Commons of any colony may withhold supplies, how justifiable so ever their refusal may be, or in whatever designs the Executive Government may be engaged.

4. Because the spirit in which these proceedings are conceived is avowedly adverse to the opinions and desires of a vast majority of the inhabitants of Jamaica, and the no less plainly avowed object in bringing them forward is by the authoritative declaration of Parliament to put down the principles and to thwart the inclinations so generally prevailing among the people of that colony.

5. Because these proceedings, so closely resembling the fatal measures that severed the United States from Great Britain on this day threescore years and three, have their origin in principles and derive their support from reasonings which form a prodigious contrast to the whole grounds, and the only defence of the policy during later years so justly and so wisely sanctioned by the Imperial Parliament in administering the affairs of the mother country. Nor is it easy to imagine the inhabitants of either the American or the European branches of the empire should contemplate so strange a contrast without drawing inferences therefrom discreditable to the character of the Legislature and injurious to the future safety of the State. When they mark with what different measures we mete to 300,000 inhabitants of a remote province, unrepresented in Parliament, and to 6,000,000 of fellow-citizens nearer home, and making themselves heard by their representatives, the reflection will assuredly arise in Jamaica, and may possibly find its way into Ireland, that the sacred rules of justice, the most worthy feelings of national generosity, and the sound-

est principles of enlightened policy, may be appealed to in vain if the demands of the suitor be not also supported by personal interests and party views and political fears among those whose aid he seeks, while all men perceiving that many persons have found themselves at liberty to hold a course towards an important but remote province which their constituents never would suffer to be pursued towards the most inconsiderable burgh of the United Kingdom, an impression will inevitably be propagated most dangerous to the maintenance of colonial dominion, that the people can never safely trust the powers of Government to any supreme authority not residing among themselves.

6. Because nothing can be more contrary to the spirit of the Emancipation Act than taking the earliest occasion of suppressing the constitution of a colony chiefly inhabited by emancipated slaves, and thereby depriving the negroes of the constitutional privileges which all free men have heretofore enjoyed as soon as they became themselves for the first time free.

7. Because, if any such were justified by being shown to be necessary, which this is not, the mode pursued in the bill is the worst that could be devised, the fitter and safer course being an appeal to the wisdom of Parliament, and not the devolution of dictatorial power to a Governor and Council.

Brougham.
Kenyon, for the Third and Seventh Reasons.
Wicklow, for all the Reasons, except the Sixth.
Colville, for all the Reasons except the Sixth.
St. Vincent, for all the Reasons, except the Fifth and Sixth.

July 4, 1839.

HOUSE OF COMMONS,

Thursday, July 4, 1839.

Minutes.] Bills. Read a first time:—Town Councils.—Read a second time:—Indemnity; Glass Duties; Lower Canada Government; Turnpike Acts Continuance.—Read a third time:—Joint Tenants Voting; Borough Courts.

Petitions presented. By Messrs. Bainbridge, Stanley, and Leader, from a number of places, for a Uniform Penny Postage.—By Mr. Leader, from Bridgewater, for Vote by Ballot.—By Mr. Sergeant Talfourd, from one place, in favour of the Copyright Bill.—By Sir R. Ferguson, from Derry, and Drogheda, for allowing Presbyterian Soldiers to attend their own places of Worship.—By Mr. W. Duncombe, from several places, for a Harbour of Refuge at Redcar.—By Mr. E. Roche, from Cork, for Justice to Ireland.—By Lord Stanley, from one place, against the Small Debts Bill.

Lower Canada — Government.] Lord John Russell moved the Order of the Day for the second reading of the Lower Canada Government Bill.

Sir *George Sinclair* said, when her Majesty, on the 6th of February last, was pleased to express a wish that the state of her subjects in Upper Canada should form the matter of prompt and early consideration, he little thought that a question thus earnestly pressed upon the attention of the House should have been allowed to cross and recross the ocean, and to have been three or four times brought forward and then withdrawn; so as at this period of the Session to have only now arrived at a second reading. He wished to take that opportunity of asking her Majesty's Ministers if they thought they really were capable of acting as a government, and entitled, as such, to be intrusted with the conduct of the affairs of this great country? He asked that question, not only on account of his own distrust in their capacity and firmness, but because he believed they must be conscious that by their want of decision and firmness they had forfeited every thing like deference, cordiality, or respect, throughout Great Britain and throughout her colonies. Considering also the small fluctuating majorities, varying from ten to two, which supported them in that House, and that they were all at sixes and sevens among themselves, that they were merely supported in another place where resistance by Conservatives was ineffectual, by a minority, a great portion of whom had been ennobled and promoted to that place by themselves—he did not think they were in any respect qualified to be intrusted with the guidance of public affairs. When, too, he considered the reckless infanticidal manner in which they deserted and abandoned so many of their youthful political measures, their own offspring, he must say that their organs of philoprogenitiveness must be extremely small; but when he looked, on the other hand, to the tenacious manner in which, in the face of all obstacles and degradations, they still stuck fondly to place, he was satisfied their bumps of adhesiveness must be supernaturally large. They had, however, of late made a great discovery. They had opened up a new theory, which, unlike the practice of opening up a country by railroads, had induced them to decide that to make any question on which they disagreed among themselves an "open question," was the sure way of preventing its success. It was a pity they had not made that great discovery in the year 1834, because, in that case, his right hon. Friend might then have had recourse to the expedient of making the appropriation clause an open question as the best way of opposing it, and of securing its defeat.

The real reason which led her Majesty's Government to adopt the principle of open questions was, that it enabled them to keep place with salary unabandoned and patronage undiminished. The concurrent testimony, not only of opponents, but even of their own supporters was, that their measures were inconsistent, evasive, ambiguous and unsatisfactory. Nobody could tell what measures which they supported to-day might not be abandoned in the next. When Lord Melbourne resumed office, after having resigned, from a confession that he no longer possessed the confidence of the House of Commons, he maintained that the noble Viscount ought to have instantly come forward with a statement of the general policy on which his Government was to be conducted for the future. But no such explanation had been given. The only result had been that some young people had been permitted to retain their places about the court. But he wished to know what had since been done by the Government of the country, and how their position had been altered? He could not see any change since the noble Lord in that House, and Lord Melbourne in another place, confessed that they no longer possessed the confidence of the country. He saw no difference in their conduct before and since their resignation, but he saw a great and striking difference between her Majesty's Ministers and his right hon. Friend. His right hon. Friend was supported by his party because they cordially approved of and concurred in the justice and wisdom of his measures. While of those who voted with the Government many condemned the measures which they still fostered by their votes. He, therefore, protested against the system which they were pursuing, and as regarded Canada, he thought they were only establishing an additional claim to the forfeiture of the confidence of the country.

Mr. *Hume* did not intend to enter into the merits of the question further than to express his deep regret that the Government had not expressed an intention immediately to re-establish the local government of Canada. It would have been most satisfactory to learn that the Government were prepared to follow out the recommendations of Lord Durham's report. If such were the case, public confidence would be immediately restored. He knew from persons in the colony that such a course would be satisfactory, but as the Government had determined upon leaving every thing unsettled, the people in the province were perfectly at a loss what they ought to do. He would impress upon the Government the expediency of acting on the report of Lord Durham, and of coming to a speedy determination. Emigration from the province was going on at a great rate, and every hour that they remained without a settled government only added to the evil. He would not make any remarks upon what he fully believed to have been the origin of all these evils, as that would only aggravate their extent. But he hoped that measures would be speedily taken to remove the cause by the re-establishment of a local government.

Mr. *O'Connell* would not detain the House, but begged to state, that he differed with the hon. Member for Kilkenny, and thought the House ought to pause and deliberate before they determined on their future proceedings. He rejoiced that her Majesty's Government did not wish to pledge the House to an union of the two provinces, and considered it much better that that question had been left for further consideration. The materials for such an union were discordant, and it could not be accomplished without sacrificing the rights and interests of the people in one province or the other—and what was to the advantage of the public in the Upper, would act injuriously to those in the Lower. He had seen, with deep regret, the recommendation for union, in the otherwise admirable report of Lord Durham. It would annihilate the political power of the French Canadians. These French Canadians had been justly described in that report as persons highly benevolent, charitable, excellent, and possessed of the best moral qualifications—exemplary in the performance of their duties, and what was their return? To annihilate them as a separate race [*No, no!*]. He said, "Yes, yes!" If they deprived them of their proper share in the franchise, their acts would at least have that tendency, and would only increase the existing discontent. In fact, they would thus give to those persons a legitimate ground for discontent, as they had done before, and thus perpetuate the evils which they sought to remove. It would be infinitely better to return to an amendment of the old constitution, preserving to each state its separate constitution. But they ought to change the nature of their Executive and Legislative Councils. In the Executive Council of Upper Canada there was not at present a single Canadian born, and in the Legislative Council of that province, four out of five were not born in Canada. How, then, could they expect peace and satisfaction in the colony, when the native population were excluded from power? Nothing but jobbing resulted from such a system, and everything was monopolised by the British-born residents. That was not the proper course to deal with the native population. They ought to act fairly—to deal leniently with them, and, above all, take measures to make the local legislatures depend upon the confidence and true affections of the people. Let them do that, and restore the local governments to each province, and they would have a fair prospect of achieving the pacification of those colonies. The only way it could be done was by measures of conciliation —doubtful, perhaps, even in that way, but certainly not to be accomplished by annihilating their existence as a separate people. The French Canadians were eulogized by Lord Durham as possessing many estimable qualities. They were only accused of being defective in the possession of knowledge and means of education. That defect could be remedied by making the means of instruction more attainable, and aiding the diffusion of knowledge. In other respects, they did not suffer by a comparison with the British residents. He rejoiced in the meantime that Government had not persisted in their measures for pledging the House to the principle of union between the Upper and Lower provinces, as it would give time and opportunity for that deep reflection which the importance of the subject required.

Mr. C. *Buller* thought it exceedingly desirable that the session should not close and the news of its close go out to the Canadas, without the people of those colonies being informed at the same time what were the opinions of the British Parliament upon the subject of their future government. He would not enter into the merits of any particular plan on this occasion; but he must say, that it was most important that the House and her Majesty's Government should tell the people of Canada what they were to expect. The adoption of any plan for the future government of the Canadas, however defective, would be less mischievous in its results to the people of those colonies than the adoption of none, and the leaving them in doubt as to the future. He had recently received a newspaper from Toronto, now six weeks old, in which it was stated that the people were looking forward with the greatest anxiety for the arrival of new measures for the settlement of their public affairs by the Great Western steam-ship, which was then expected to arrive at New York in a short time. When it was considered that the lives and property of these people and all that they hold dear depended on what measure that House might adopt, what kind of feelings must it be supposed that they must have when they saw nothing but postponement after postponement, and just merely an edge or corner of a proposition let out to excite discussion, and doubt, and discontent? How could it be expected that the people should be satisfied and content when they were kept in continued doubt, not only as to what her Majesty's Government were doing, but as to whether they intended to do anything at all or not? He could assure the noble Lord that a general belief was growing up in the Canadas, that their interests were wholly neglected; and if the Government refused month after month, and session after session, to give a permanent character to the Government there, and to take means to establish order there, what other opinion could the people entertain? The union of the Canadas was a grave question —one that was so important that it seemed scarcely possible any government should propose it without being prepared to carry it into effect. He did not wholly disapprove of the course which the noble Lord had taken, under existing circumstances, but he thought it would have been better if the Government had at once adopted the report of Lord Durham, or declared that they would not adopt it. If they were not prepared to do anything with respect to the permanent government of Canada, they should have said nothing at all; that would have been a much wiser and a much safer course than that which had been pursued. He now wished to ask distinctly, and he thought the noble Lord should state as distinctly, what course the Government meant to adopt in future, in order that when Parliament met the next time they might be able to know whether the Government had secured the assent of the colonies to their propositions. It had been announced that certain propositions were to be sent out, and the probability was that next session the Government would have conflicting opinions to deal with, and be in as much doubt as to what measures should be proposed as they were at present. He was perfectly convinced that the success of the noble Lord's plans was in his own hands. If he chose to put forth a strong measure with a determination to carry it, he had no doubt that he would rally all parties in the colonies around him; because the chief cause of the dissatisfaction there, arose not from any particular error in legislation, not from any bad course which had been followed, but from the adoption of no course at all. The vaccillation, not of this Government particularly, but of the British Government for the last ten years, had brought the colonies to the situation they were now in. If the colonies saw that the Government were fully bent upon a plan of union, the only question which would be agitated there then would be how the plan could best be carried out with perfect fairness to all parties, and he was certain that the assistance of all parties would be readily lent to the furtherance and completion of that plan. From the state of feeling in Nova Scotia and elsewhere, he believed that, so far from any difficulty being experienced in effecting a union of the provinces, it would be perfectly easy to accomplish that larger plan of union of all the British North American colonies, the only plan, according to his opinion, which would be productive of solid advantages to the colonies and the mother country. The hon. and learned Member for Dublin had talked about a recommendation that the political annihilation of the French Canadians should be effected by some juggle in the franchise, and the hon. Member for Westminster cheered the observation of the hon. and learned Gentleman; but he wished to know from what part of Lord Durham's report that idea had been taken. The report distinctly stated, that the only plan was to have an honest system of representation. They might rely on the British people being in the majority —first, by having recourse to emigration, and in the second place, by that larger plan of union of all the colonies, which was so desirable. What could be better for the French Canadians than to be made in all respects British subjects, by the adoption of the language, laws, and institutions, of British subjects? Those who had looked into the laws and institutions which the French Canadians had derived from the worst monarchical times of France, must be well aware, that instead of leading them on in civilization, they were calculated to leave them degraded and enslaved. He conceived that the French Canadians ought to be treated as British subjects, and put in possession of all the immunities and rights of British subjects. They were at present the poorest class of the community; they had been gradually losing their property, which had passed into the hands of the British race, who were the rich merchants and great proprietors of the land, and the governing classes. And was it for the benefit of the country that the masses of the people should speak a language different from that of the governing body and the people of property? Or was it not rather the very course to reduce the people to slavery and thorough degradation? If we would make them civilised and free men, we must put them on an equality with the rest of the population, and we must have them speak the language and be partakers of those institutions which were the language and institutions of every free man in North America. If the noble Lord did not mean to adopt the plan of uniting the two provinces, if he meant to oppose that plan, let him say so at once, and let him do every thing in his power to convince the House that it was a plan which ought not to be adopted. But if the noble Lord wished to have the public voice in his favour, he must say that he was taking rather a strange course to secure it. In the first place he did not wish any discussion to go on in that House upon the question of the union of the provinces; and in the second place, all the information he gave in support of that request was, that objections existed in Upper Canada to that plan of union. Her Majesty's Government had been pleased to give the House information as to the mode in which the principles laid down in the report of Lord Durham were treated in the Canadas, they had laid on the table of the House the report of the committee of the Assembly of Upper Canada, impugning some parts of that report; and also some despatches of Sir G. Arthur complaining of other parts of it. Now, if the noble Lord was really anxious that the union should be carried, he thought he might have given the evidence in favour of it as well as that which was against it. He had put forth the report of the committee of the Assembly as decidedly expressive of the feelings of the people of Upper Canada; but he had not told the House that that report was carefully kept back till the very last day of the session, which was to have broken up on the Thursday preceding the Saturday to which it was kept open, and on which day it did break up; and that then, when one third of the Members had gone home, the report was proposed and carried, at the same time that the Clergy Reserves Bill was carried by one vote. As to the objections existing in the Canadas against the plan of union, he knew that two candidates had carried the only two elections which had since taken place by standing on the principles propounded by the report of Lord Durham. The committee had sent over a report, but they had afforded no assistance to legislation; they had done nothing but criticise Lord Durham's report and a speech which he (Mr. Buller) made at the beginning of the session, and cast aspersions on his (Mr. Buller's) character, as being of the same principles as Papineau and M'Kenzie. However, he did not complain of the singular manner in which his speech had been treated, but he must say, that before the noble Lord had laid on the table of the House the despatches of Sir G. Arthur, he should have looked into Lord Durham's report to see whether there was anything in it to justify the querulous complaints of Sir G. Arthur. Her Majesty's Government ought to have made inquiry into the truth of Sir G. Arthur's charges. He had no hesitation in saying that the assertions on which Sir G. Arthur had built his complaints were untrue, not that he charged Sir G. Arthur with stating anything which he knew to be untrue, but that he had not taken sufficient caution, and that he should not have put forth those statements without being first well assured of their accuracy. With respect, for instance, to the execution of those two unfortunate men whose case was made a subject of comment, all that the report of Lord Durham did was simply to mention the fact. Sir G. Arthur asserted that Lord Durham had overstated the number of signatures to the petition in their favour at 30,000, and affirmed that it was only 5,000, and in order to show how perfectly accurate he was, he gave a list of the signatures. But a gentleman from Upper Canada had called on him that very day, and stated, as a fact within his personal knowledge, that to one petition which he himself had presented to Sir G. Arthur, and which Sir G. Arthur had wholly omitted from his catalogue of petitions, more signatures were attached than Sir G. Arthur had acknowledged as the total appended to all the petitions. In conclusion, he must say, that the course pursued by her Majesty's Government was exceedingly unsatisfactory to all parties in Canada, but particularly to the loyal party, who were beginning to think that they had thrown away all their exertions in the support of a Government which seemed to care little or nothing about them.

Mr. *Leader* was aware that this discussion was somewhat irregular, as the order of the day was for the second reading of the Canada Government Bill, and the House had got into a discussion upon the union of the provinces, a measure which had been entirely abandoned by the Government. He was afraid the hon. and learned Member for Liskeard was rather too Utopian in his ideas respecting the advantages to be derived from Lord Durham's report. If a good local government could be permanently established, it would be well, and it was a very desirable object. But the favourite plan of the hon. and learned Member for Liskeard was the union of Upper and Lower Canada; and he must say, that he entirely disagreed both from the report and the hon. and learned Member, upon the propriety of such a union. In the first place, a vast majority of the population of Lower Canada were decidely opposed to that union, and a very great proportion of the people of Upper Canada was also opposed to it; indeed, he was not sure that a majority of the population of the two provinces did not oppose the union. In the next place, if the plan of union were effected, the French Canadians would be completely crushed. The hon. and learned Gentleman said, they must adopt the language, laws, and religion, too, he supposed, of the governing few. Why, that was precisely the case of Ireland, and the cause of the complaints which were heard from Ireland. It might be right, perhaps, according to the view of the hon. and learned Gentleman, that the few English Protestants of Lower Canada should give laws to the many French Roman Catholics there; but then, upon that principle, all that the British Legislature had been doing in favour of the Irish Roman Catholics was wrong. It would be absurd to argue, that the Roman Catholics of Ireland, forming the majority there, should be in possession of rights as British subjects, and that the Roman Catholics of Canada, also forming the majority, should be denied those rights only because they were in Canada, and not in Ireland. The hon. and learned Gentleman thought, perhaps, that he would be conferring a benefit on the French Canadians by making them speak the same tongue, and conforming to the same laws, as the English; and perhaps he might, but unless they could be convinced that it was a benefit, it would be the grossest tyranny, to make them English in language, laws, and religion, against their own feelings and wishes. The hon. and learned Member for Liskeard seemed to think that there was nothing offensive to the French Canadians in Lord Durham's report; that there was nothing which could lead one to imagine that they would be sacrificed in any of the electoral arrangements that were contemplated. Why, one of the chapters of that report was headed, "Acknowledged Inferiority of the French Canadians." It was only recently that a gentleman was arguing with him that the beavers were the first possessors of North America: they were driven out by the Indians, who had too much intelligence and skill for them. The Indians were supplanted by the French, and now came the Anglo-Saxons, and the French Canadians, being the weaker, must submit; it was a law of nature. That might be very true; but it would be a disgrace to that House, if by any act of legislation they gave additional power to help the strong to crush the weak. He trusted, that in any future discussion on the question of the union, the French Canadians would have the powerful advocacy of the hon. and learned Member for Dublin against that proposal, and against any plan which, by uniting the two provinces, would sweep their language and their religion from that part of the world. The bill now before the House was truly a bill to enlarge the powers given under the coercive measure passed last session to an already despotic authority. To the present bill he objected, both in principle and detail; he, however, knew he should have little or no support in opposing its progress, and, protesting against it, he would not take up the time of the House by a more formal protest in the shape of a division. As to the details, he trusted hon. Members on both sides of the House would give ample attention, and would not allow any of the clauses to be passed in committee without careful consideration of the results which might follow the powers granted by them. The hon. and learned Member for Liskeard had said, he should like to know what the Government meant to do with respect to Canada during the recess. Why, of course, they would do nothing with it. They were glad now to get rid of the question, and shuffle it off until the next session. The hon. and learned Member stated, that the people of Canada had been impressed with the belief that the Government had been long employed about legislative measures for that country—that they were labouring with assiduity to establish there a good system of government; but, at the very time the innocent population of Canada were thinking this, there was an intrigue going on in the Government to put out one colonial minister, and to bring in another; and if any good had ever been intended, the result of the present session showed that they had not paid the least attention to the interest of that colony. He could not but complain of the manner in which he had been treated by the Government: he had presented two petitions, one from M. Lafontaine, and he had been told by the Government, that, as the whole question would be discussed, the proper time to bring forward the complaints contained in those petitions would be when that discussion took place. No such opportunity had, however, been afforded him — the Government were afraid of meeting the question, and here the end of the Session had arrived without the matter being introduced. He thought that the people of this country and of Canada had a right to complain of the manner in which the affairs of Canada had been dealt with in the present session — he would not say dealt with, but neglected: the bill now before the House, instead of effecting good, would only exasperate the people of Canada, and tend to continue that unhappy state of things, which, after ruining commerce, and preventing all emigration, would, if continued for another year, reduce Canada from being one of the most flourishing provinces of North America, to the very verge of ruin.

Sir *R. Peel* said, that nothing could be more unwise or impolitic than now to attempt to persuade the House to decide upon the question of the union of the two provinces of Upper and Lower Canada. It was clear, with various opinions on the different sides of the House, it was impossible to get the assent of the House in the present session to the second reading of the bill for that object; at the same time that the House had not been called upon to pronounce an opinion upon the bill, and though he knew it must have been rejected on the second reading, yet it would be difficult to remove from the minds of the people of Canada the impression that such was a final decision on the principle of that question. He was therefore not sorry that Parliament had been spared the necessity of rejecting the second reading of that bill. He hoped, however, that the first step of her Majesty's Government would be to make an earnest, and he trusted a successful, exhortation to the Government of the United States to put an end to the system of horrible border warfare. He could not believe that any of the plans devised by the Legislature could succeed, unless there was a cordial union between the two great Governments of the British provinces, and of the United States, to put an end to that system which was laying the foundation of hostilities, which would otherwise not be limited to the border. He trusted that elements of discord would not be permitted to ripen. The question, however, still remained, what in the mean time was to be done with the Canadas? He held it to be a most difficult problem to solve—he courted a settlement of the question; but he did not discover any prospect—he did not see any vista—he could not find any preparations made to decide the question as to the mode of government in Canada; for the House was not now in a better condition to decide that question than it was five years since. The hon. and learned Gentleman opposite, who had been in that country, shook his head; but he had read all the reports to which the hon. and learned Gentleman had been a party—he had read all the other reports on the matter, and he confessed he could not find in the documentary information any elements of a settlement. However, he was convinced, that as the Government had now abandoned all legislation at present, it would be necessary that their very first act next session should be, to decide upon the principle on which the Canadas were to be governed; for though nothing could be more plausible than to propose the union of the two provinces, yet unless Parliament was enabled to know the terms of the union, the feelings of the people, both of Upper and Lower Canada, upon those terms, and the prospect of a representative Government, under the Union, giving satisfaction to the population, and affording a guarantee for the enjoyment of liberty by the people, it would be impossible to decide the question. He should be sorry to provoke a discussion on the question of the union of the provinces, and he would content himself with saying, that he hoped the Imperial Parliament would not allow a week to pass after meeting next Session, without determining what should be the position of those two countries. With respect to the present bill, he should offer no opposition to the second reading. Of some portions of the bill he approved; he approved, for instance, of the formation of an effective council, to consist while the present form of Government continued, of not less than twenty persons. He approved of the clause which established a check on despotic power, and provided that there should be in the council a number of persons connected with and interested in the colony, who were to advise the Governor. With regard to the other clauses, he should suspend his judgment, and reserve to himself the right to take any course with respect to them, which he might think fit. By the bill of last year, the Governor in Council was empowered to make ordinances, which, however, were not to endure beyond the year 1842, but the second clause in the present bill enabled the Governor in Council to make ordinances to endure beyond the year 1842. This provision appeared to give therefore, a more permanent and settled form of government, and in this respect the bill gave an unlimited authority, provided her Majesty approved of the ordinances. He had not heard stated what was the reason for this clause. He knew that future Governments might repeal those laws, but still the provision was very different from giving the Governor in council a temporary jurisdiction. Probably, some explanation had been given which he (Sir R. Peel) had not heard. He did not wish to provoke any explanation now, but he trusted, in committee, the provision would be fully explained. As to the other parts of the bill, he reserved himself until the bill got into committee.

Lord *J. Russell* said, that seeing the wish of the House not to enter into any discussion on the present stage of the bill, he should not do so. The consideration of the clauses must require the attention of the House when the bill came into committee, and he should then be ready to discuss any clause which the right hon. Gentleman might think objectionable, either in principle or in manner of detail. The hon. and learned Member for Liskeard (Mr. C. Buller) had, in the course of his observations, implied that the Government had been anxious to avoid discussion on the subject of the union, but the right hon. baronet opposite answered him by saying, it would be unwise and impolitic at present to seek for an expression of opinion by the House upon the principle of that union, either on a resolution, or the second reading of the bill, and therefore a discussion which could tend to no good had been avoided. The hon. and learned member had also remarked upon the comments of the House of Assembly of Upper Canada on the report of Lord Durham. He wished it had not been necessary to have introduced these comments to Parliament, and he owned when he saw those comments he was induced to regret that the Government had not any power to prevent Lord Durham's report leading to such angry recrimination. He would only now explain generally his views as to the necessity of an alteration in the bill of last year. His opinion was decidedly in favour of an union, but he thought during the interval which must elapse before its establishment, it was wise and politic to take every means for the improvement of Lower Canada, for encouraging persons of enterprise to lay out their funds in the extension of roads, canals, and other improvements necessary, in order to establish any new population which might result from emigration. The bill of last year opposed obstacles to these objects, and it was necessary to remove those obstacles. This he thought the present bill would effect. He would not now enter into further discussion, but would be ready to meet any objections when the House went into a committee on the bill.

Mr. *Ellice* said, he must say one word in relation to what had just fallen from the noble Lord. For the last two years the province of Lower Canada had been in a state of the most distressing inactivity, all commerce was at an end, emigrants could not establish themselves there with any hope of employment in any public work. So many were suspended, though parties were willing to enter into speculations for the establishment of railroads between Upper and Lower Canada, and though others were willing to contract with the Government to continue the great canals opened by Upper Canada, so as to connect that navigation with the ocean. Every one of these works were necessary to give employment to the population in a country, whose wounds were still bleeding, and where it was expedient to distract men's minds from the horrible scenes in which they had been engaged. He therefore hoped before the right hon. Baronet opposite (Sir R. Peel) made up his mind on any of the provisions of this bill, he would take into his consideration the deplorable state to which that country would be reduced if the Imperial Parliament did not afford some legislative means for promoting industry and carrying on the great works already begun. He rejoiced, therefore, that the present bill gave further powers in this respect to the Council, and he concurred with the right hon. Baronet in thinking the proposed addition to the members of the Council a great improvement, and one by which the House was enabled safely to intrust that body with the extended powers. He remembered last year it was thought that sufficient powers were then given to the former council to continue taxation. He made an appeal to the House on that subject, and the right hon. Baronet stated that the restrictions under which the people were placed would be an additional inducement for them to come to that good understanding which might lead to the restoration of their Legislative Assembly. He wished that result had happened—he deplored as deeply as any man the necessity to recur to an absolute form of government; but while that necessity continued, it was hard that the colony should be deprived of the means of internal improvement. He agreed with his noble Friend (Lord J. Russell), and with the right hon. Baronet opposite, that it was easy to adopt some principle of settlement, but difficult when the details of that settlement came to be examined. He thought, however, the principle of union was that on which the settlement must be founded. In favour of that opinion he had the high authority of Sir William Grant, the late Master of the Rolls, who was connected with Canada. He had also the authority of Sir Wilmot Horton, who had introduced the Union Bill in the year 1822. At that period he and others connected with Canada had interviews with Lord Bathurst on the subject, and it was then supposed that the only remedy for the evils of the colony was to unite the two provinces. If they had been united at that time, he was persuaded that none of those consequences which the country had now to deplore would have occurred, and he was also satisfied it would have brought the people of both provinces together by a bond of common interest, by which existing feelings of resentment would have been avoided. In the present state of things the union must be brought about by gradual means. It was his opinion that the Imperial Parliament having failed formerly to establish the union, the best course would have been to have made a Congress or Central Legislature from the two provinces (leaving them still their local assemblies), to determine whether or not there should be an union. At present he agreed with the right hon. Baronet (Sir R. Peel) that the Imperial Parliament ought not too long delay the settlement of this important question. It must be settled by general assent, for if it was made a party question he could tell the House it would be a waste of time to deliberate upon it, for if it did not go to Canada with the appearance on the part of Parliament of a firm determination to make it their last effort for the pacification and settlement of the country, no bill that could be passed, either for the formation of an union or for the establishment of any other form of government, would have any chance of success. He therefore thought it would be better, after such a bill had been read a second time, to send it up stairs to a committee selected from both sides of the House, by whom it might be amply discussed; that it should again pass through a Committee of the whole House, and thus it would have a better chance of obtaining the general assent of the House, and with that general assent it would have a better chance of settling the disputes and differences of the unhappy country to which it was directed.

Sir *Charles Grey* felt it right that he should repeat on this occasion the opinion to which he had already given expression in that House, that in conceding to the Governor-general of Lower Canada the power of local taxation during the temporary suspension of the ordinary functions of the Legislative Assembly, for the purpose of constructing canals, railways, and other public works, her Majesty's Ministers should most carefully and anxiously inquire into all the circumstances of the case before they brought such a proposition forward. He besought them to remember that the people of Lower Cadada had never before been subjected to local taxation, and were impressed with a notion that it was the intention of the English Government to introduce it amongst them. He besought the House to inquire whether they accurately understood the nature of the landed and other tenures on which this taxation must fall. He besought of her Majesty's Government to consider what might be the effect of introducing this local taxation amongst the inhabitants of those districts through which these canals or railways would pass, for the subject was unquestionably one of extreme importance with regard to both countries.

Mr. *Labouchere* could assure the right hon. and learned Gentleman who had just sat down, that it was only after the most mature deliberation that Ministers had introduced the principle of giving the power of local taxation to the Governor-general. They had not introduced that principle into the bill of last year, and it was only after their experience of an actual stagnation having taken place in the industry of the Canadian community in consequence of the absence of this very power, that they had thought of introducing it. They were quite agreed that this was a power which should only be used with the greatest caution and discretion. But it should be remembered that at the present moment neither a road-bill nor a ferry-bill could be passed in Canada. Not one of those matters in which taxation was necessary for carrying on the common operations of society could now be conducted in Canada. The inconveniences which must arise from such a state of things in any country were so considerable that no Government would do its duty if they allowed it to continue from year to year without providing a remedy. With regard to an observation which had fallen from the hon. Gentleman the Member for Middlesex upon the subject of a petition reflecting on the conduct of Sir J. Colborne and the troops in Canada, he could assure that hon. Member that the Government had no disposition whatever to shrink from the discussion of that subject. Upon the receipt of the petition in question, Government had referred to Sir J. Colborne for an explanation. The answer had but just arrived, and he must say, that nothing more completely satisfactory, as related to the conduct both of Sir J. Colborne and of the British troops, could possibly have been communicated to the Government. If the hon. Member felt any desire to have those despatches submitted to the House, and to have a discussion taken upon them, he felt it due to Sir J. Colborne to say that they would by no means shrink from such discussion. He would not enter into the question of Canada now, and the clauses of the bill could best be considered in committee. He would observe, however, that although he had listened with attention to what had fallen upon this subject from the right hon. Baronet the Member for Tamworth, both now and on former occasions, the right hon. Gentleman had not convinced him that it would not have been very material towards the settlement of this question, had they taken previously, upon the second reading of the Canada Bill, a discussion upon the essential principle of that measure—namely, the principle of uniting the provinces, establishing municipal corporations in them, and in all respects providing for an equitable arrangement between Upper and Lower Canada. Had that bill gone out to the Canadas with the sanction of the British House of Commons, he believed that great progress would have been made towards the settlement of this question. From all that he had witnessed of the feeling of the people themselves, he believed that a great majority of them were prepared to assent to the principle of union. He had communicated with many persons connected with both the Canadas, and he was sincerely of opinion that this measure would be received there as a groundwork for the settlement of the great question at issue.

Sir *R. Peel* did not shrink from the responsibility which the right hon. Gentleman had imposed on him with regard to preventing the House from coming to a decision upon the second reading of the Canada Bill. On the contrary, he should rather say he rejoiced that the House did not come to a precipitate decision. Despatches had been received since that period from the Governor-general, which would have rendered such decision both immature and unwise.

Bill read a second time.

MUNICIPAL CORPORATIONS — IRELAND.] The House in Committee on the Municipal Corporations (Ireland) Bill.

On clause C, section 20, being proposed,

Mr. *Shaw* said, that seeing the late period of the Session at which this bill was brought forward, and considering that many Irish Members had left town in the hope (which he confessed he did not think a very unreasonable one) that the Government would not proceed with this bill during the present Session, he must say that he could not approve of its being now brought on. As it was, however, he felt bound, under all the circumstances, to apply himself strictly to the clause under the consideration of the Committee. It related to the amount of the franchise, and he could not easily overrate its importance. It might be well to state shortly to the Committee what it was that the bill proposed in the way of qualification, to which he (Mr. Shaw) objected, and what qualification he proposed to substitute, by way of amendment. If the Committee would indulge him for a few moments on a very dry subject, he would endeavour to express himself as briefly as he could. The qualification proposed by the bill was twofold. First, the bill proposed, that for the ensuing three years the qualification should be a tenement valued for the purpose of being rated at the net annual value of 8*l*. It proposed, that the parties qualifying for the franchise should be six months' occupiers—in other words, that they should be six months resident as inhabitant householders; and it proposed, that they should be allowed to be only six months in arrear of their taxes up to the time of going to the poll. The second qualification was the occupancy of premises of no matter what value, provided they were rated for the relief of the poor for a period of between two and three years, that they were resident as inhabitant householders of the same period, and that they paid their taxes up to within six months of the time of going to the poll. He (Mr. Shaw) objected to the franchise contained in the bill, and proposed to substitute a 10*l*. franchise composed of the net annual value to which the tenement shall be rated under the Poor-law, and of the amount of the sums at which the repairs and landlord's insurance should be estimated. He proposed a twelve-months' occupancy and a six months' residence as an inhabitant householder; and an arrear of only three months in the payment of taxes. He would deal first with the latter of the Government's two propositions. The gist of that proposition was, after the expiration of a certain time, to give what was termed, and what was in effect the English franchise, to Irish municipal voters. He was quite aware that this franchise—a franchise founded simply on the principle of being rated—was now fully in operation in England. But he did not think that it could be applied with safety, or would it be at all satisfactory, in Ireland. For the present, however, he should content himself with observing, that it had this vice, in common with almost all the Government measures of the present Session—that it would not come into operation until the year 1842. When they should have acquired a two years' experience of the working of the Poor-law Act in Ireland, and as to the persons who would be rate-payers under the bill, then they might apply themselves to the consideration of the question, whether they would make this rate the ground-work of the franchise. From some of the elections of guardians under the Poor-law Act which had already taken place in Ireland, he was not inclined to form any very sanguine expectations, that the persons who would be elected under such a system were likely to become useful officers for the administration of parochial affairs, independently of party and of all other considerations. While this was his strong individual opinion, he at the same time admitted, that it would be quite competent to them to entertain that proposition in three years' time, but certainly not sooner. With respect to the franchise which was proposed for the ensuing three years, he was anxious to clear the ground of all extraneous matter, and come at once to the real point at issue. He would not now apply himself to the consideration of whether twelve months or six months should be the period of occupation, or whether six months or three months should be the arrear of taxes. He apprehended that hon. Gentlemen opposite would not insist on these, provided they could agree as to the amount of the franchise which was the chief point at issue. What he proposed was a 10*l.* franchise, and that "such value should be a sum composed of the net annual value at which the premises so occupied shall be rated (as they are required to be) to the relief of the poor, and of the amount of the sums at which the landlord's repairs and the landlord's insurance shall be estimated in any such rate." He assumed, that what was desired to be obtained was a real *bonâ fide* 10*l.* qualification, and the question appeared simply to be this—whether this would be the best obtained by adopting the 8*l.* qualification proposed by her Majesty's Government, or by adopting a 10*l.* qualification, composed in such manner as was provided by the amendment which he (Mr. Shaw) was about to submit to the consideration of the House? At the end of one of the last angry disputes respecting Irish affairs, those who had sat on that side of the House had consented to a 10*l.* franchise. It had been urged, that it was a franchise thoroughly understood, as having been adopted both in England and Ireland in the election of Members of Parliament; and it had been moreover said, that a municipal franchise ought not to be higher than a Parliamentary franchise. Now arguments against the latter of these propositions might have been found in the circumstances, that the persons to be elected would have the power of expending the money of the boroughs by the raising of borough rates, while they would be comparatively removed from public observation, and would probably belong entirely to one party. A 10*l.* franchise had, however, been consented to, but upon the express understanding that it was to be a *bonâ fide* franchise. It was especially desirable in an institution which like the present was to be established for the first time, that the bill should state upon its face what the amount of franchise was really intended to be. For this reason, and because he did not think, that the 8*l.* qualification fixed by the bill, when increased by the amount of landlords' repairs and insurance, would substantially afford a 10*l.* qualification, he thought it his duty to propose the amendment of which he had given notice. The right hon. Gentleman concluded by moving, that the words of clause C, section 20, from the word "that" to the word "provided" should be omitted, and that the following words should be inserted in their stead: "And be it enacted, that after this Act shall have come into operation in any borough named in the said schedule (A), every man of full age, who on the last day of August in any year shall be an inhabitant householder, and shall for six calendar months previous thereto have been resident as such within such borough, or within seven statute miles of such borough, and who shall occupy within such borough any house, warehouse, counting-house, or shop, which either separately or jointly with any land within such borough occupied therewith by him as tenant, or occupied therewith by him as owner, shall be of the yearly value of not less than 10*l.*, to be ascertained and determined as hereinafter mentioned, shall, if duly enrolled according to the provisions hereinafter contained, be a burgess of such borough, and a member of the body corporate of the mayor, aldermen, and burgesses of such borough, and such yearly value shall be ascertained and determined in manner following, and not otherwise—that is to say, such value shall be a sum composed of the net annual value at which the premises so occupied by such man shall be rated (as they are hereby required to be) to the relief of the poor under an Act passed in the last Session of Parliament, entitled 'An Act for the more effectual relief of the destitute poor in Ireland,' and of the amount of the sums at which the landlord's repairs and the landlord's insurance shall be estimated and stated in any rate to be made in pursuance of the said Act; provided always, that no such occupier shall be admitted to be enrolled under this act unless he shall have occupied such premises within said borough, or other premises of the like nature within the said borough, and rated as aforesaid, for the space of twelve calendar months at the least next preceding such last day of August, nor unless such occupier shall, on or before the last day of August in such year, have paid or discharged all rates for the relief of the poor, and all municipal or other local cesses, and all rates and taxes which shall have become payable by him in respect of such premises, except such as shall have been imposed or become payable within three calendar months next before such last day of August."

Viscount *Morpeth* said, the Government intended to adhere to the plan of adopting an 8*l.* franchise for three years, and of introducing, at the end of that period, a franchise similar to that existing in England. In all the preceding discussions upon this subject it had been stated by the friends of what was called, and he hoped properly called, a liberal policy in Ireland, that it was very desirable to assimilate the institutions of that country to those of England, but above all things, they protested against the adoption of a different and more restricted franchise in Ireland than that which was enjoyed in England. However, as it was said that on account of there being no legal rate to refer to in Ireland corresponding to the poor-rate in this country, the adoption of the English franchise would give rise to loose statements and inaccurate calculations, and open a door to innumerable frauds and perjuries, the Government had consented to adopt a settled rate. In fixing this rate, they had taken into consideration the circumstance, that the tendency of every system of rating was to produce a return lower than the actual value of the property rated, and that greater accuracy of calculation would be produced by the Poor-law valuations; and with reference to these circumstances, it had not been considered expedient to screw up the franchise to the same amount as had been proposed in the absence of the same means of obtaining proper valuations, especially when it was considered that no deduction from the required amount of an 8*l.* franchise was to be made in respect of landlord's repairs or insurance. In order to show the number of voters which would be afforded by different rates of franchise, he would refer to some towns comprised in schedule A of the bill. Clonmel contained 15,000 inhabitants and 1,867 houses; the number of houses of the yearly value of 10*l.* and upwards was 683, or not much more than one-third of the whole number. In Drogheda there were 17,000 inhabitants and 3,371 houses, of which, in 1833, 261 only were of the annual value of 10*l.* and upwards. The number of inhabitants in Londonderry was 19,000; out of the 3,074 houses which it contained, 408 were of the annual value of 10*l.* and upwards, and only 735 of the annual value of 5*l.* and upwards. Sligo contained 2,666 houses, of which 411 were of the annual value of 10*l.* and upwards, and 874 of the annual value of 5*l.* and upwards. So that it appeared, even a 5*l.* franchise would not give an inconveniently large number of persons to exercise municipal privileges. He was, however, anxious, as soon as it was practicable, to assimilate the franchises in England and Ireland, because he was convinced that such a course would tend to remove the heart-burnings between the countries, and he confessed, that he anticipated that both in England and Ireland, when the inhabitants of boroughs had to select persons who should have the disposal of their money, they would lose sight of religious and political differences and animosities. This had taken place to a great extent already, as he (Lord Morpeth) had it in his power to show, and he confidently expected that the electors in municipal corporations would soon only look to the character, experience, and abilities of the persons whom they selected to regulate their common interests.

Sir *Robert Ferguson* said, that as he understood the clause of the bill, at the end of three years the franchise would be conferred on every householder rated for the poor-rates. That being the case, persons would have a right to vote who did not contribute to the borough fund. If the right hon. Gentleman, therefore, should carry his amendment, he should feel it his duty to propose upon that amendment a 10*l.* rated value. His objection to the franchise, as it was to be at the end of three years was, that it was not the English franchise. In England the borough-rate and the poor-rate were levied off the same persons, and, small as might be the part paid as the borough-rate, the persons paying it might be said to have a right to vote. In Ireland they were not to be levied off the same persons. The borough-rate was levied off persons having houses of 5*l.* value and upwards, and, by the Act of last Session, the poor-rate was to be levied off every house; from which circumstance arose the difference between the two countries. Now, the noble Lord had told them that in Londonderry, the town which he had the honour to represent, the number of houses was 3,074, and that of those there were but 735 of the value of 5*l.* and upwards. According to that statement they were to have at the end of three years, in addition to 735 persons who paid the borough-rate, 2,300 voters for the election of persons to dispense that borough-rate. He was sure the noble Lord could not intend to propose anything so unfair as that.

Lord *Morpeth* said, he entered into the objection made by the hon. Gentleman to the bill as it at present stood. He apprehended it to be that persons would have a right to vote who would not be rated for the borough rate, and he was prepared to alter the clause, so as to meet that objection.

Lord *Eliot* had last year taken a part in this measure with reluctance, because he had differed from those with whom he usually acted. He then regretted that what appeared to him to have been so favourable an opportunity for the settlement of this great question should have been allowed to escape, and he was sorry to say, that that feeling of regret had been much increased by what had since taken place. Not many days ago a volume had been put into his hand, containing speeches delivered at a meeting in Dublin during the spring of the present year, which he had read with feelings of sorrow and surprise. The spirit which was manifested in the language and sentiments of those speeches was such as, in his opinion, was likely to create a corresponding feeling of bitterness in the minds of the people of Ireland. Some of those speeches were delivered by Protestant clergymen, who openly declared their determination not to admit their Roman Catholic fellow-countrymen to the enjoyment of civil rights; that having gained the ascendancy, they were resolved to keep it. They stated that Roman Catholics were idolators, worshippers of Baal, and followers of anti-Christ, and they asked what right the hon. and learned Member for Dublin, being an idolator, had to demand to be placed upon an equality with them as Christians. These were sentiments which could not be too severely deprecated. Those persons went the length of saying, that if a Roman Catholic Lord Mayor were placed at the head of the municipality, the time would have arrived when the Protestants of Ireland must be ready, like the covenanters of Scotland, to appear with swords in their hands and hallelujahs on their lips. The right hon. Gentleman, the Member for the University of Dublin, had come in for a full share of the censure of those Gentlemen, who had even menaced him with the loss of his seat in that House, which he on the other hand hoped he would long continue to fill with his accustomed usefulness and ability. He sincerely regretted that the deliberations of the meeting to which he had referred had not been marked with that moderation and good sense which became the station of those of whom it was composed. They objected even to the principle of this bill, which had already been affirmed by that House. They declared that the exclusive character of the Irish corporations must be retained, and that whether the franchise was a 20*l.*, or 30*l.*, or a 50*l.* franchise, they were all equally inadmissible. It therefore appeared to him that they would gain nothing by the minute difference which was raised by the right hon. Gentleman's amendment. He believed he had the authority of the hon. Gentleman the Member for Somersetshire for saying, that the usual deductions made by the valuers in England averaged from 7 to 14 per cent. Well, if they called it 10 per cent., it followed that the difference between the proposition of the right hon. Gentleman and that of the noble Lord opposite amounted to only 1*l.* upon the qualification; or in other words that the noble Lord proposed a qualification of 8*l.*, and the right hon. Gentleman in his amendment one of 9*l.* He thought it scarcely worth while to squabble about a point of so trifling a character. He did not know if these corporations would become, under this bill, normal schools of agitation; but it was quite clear that if they did, the amendment of the right hon. Gentleman would not prevent that result. After the best consideration he could bestow upon the subject, he had come to the conclusion of supporting the bill in its present shape. He felt it right, however, to add, that as the qualification it proposed appeared to him upon the whole the least objectionable that could be devised, he should not feel inclined to change it at the expiration of three years. The Irish people, he conceived, would have no right to complain, if placed at least upon as good a footing as the people of Scotland.

Mr. Sergeant *Jackson* had heard the speech of the noble Lord who had just sat down with considerable regret. He had ventured to hope that the details of this measure would have been discussed without reference to topics which were calculated to excite angry feelings in the House or divert the attention of hon. Members from the more immediate and important points under consideration. He did not know what meeting the noble Lord referred to, he believed he must be correct in saying, that no Member of that House had taken a part in it; no reference had been made to it by his right hon. Friend, it had nothing to do with his right hon. Friend's amendment, and he really thought it would have been infinitely better if the noble Lord had abstained altogether from noticing it. The noble Lord had been greatly cheered by the noble Lord and hon. Members opposite, because he was of opinion that the difference between the two propositions was of a very trifling character. If so, he thought her Majesty's Government could not do better than give up the point in dispute. It either was or was not a trifling point. The noble Lord who last addressed the House so considered it, and hon. Members opposite appeared by their cheers to agree with them. Would those hon. Members refuse to concede that trifling point in order to secure the settlement of this question, great as it was called—a question by which Ireland was to be tranquillized and agitation put an end to? Surely it would be unworthy of the professions of her Majesty's Ministers, and of hon. Gentlemen opposite, if they were to keep that country in a state of turmoil and discontent, by withholding this bill upon a mere trifling point of difference. He certainly thought it was desirable to have the question settled. The spirit which had been manifested by the noble Lord opposite had been met by hon. Gentlemen on his (Mr. Jackson's) side of the House. Hon. Members on his side of the House were of opinion, that it would be far better for the peace and tranquillity of Ireland, that there should no longer be corporations in that country. They had thought that by reconstructing them they would only be legalizing establishments for the purposes of agitation and speech-making; and, notwithstanding that, their opinion, having been assured that a very strong feeling prevailed in favour of corporations throughout the country, and that if the existing ones were not reconstructed a still stronger feeling would be created in the shape of discontent, they abandoned their own opinion and consented to their reconstruction. That having been done, his right hon. Friend the Member for Tamworth had declared that he would require a 10*l.* qualification; that more he would not ask but that less than a 10*l.* *bonâ fide* qualification he would not consent to. Now, he had thought that her Majesty's Government were agreed with them on that point, and their not being so now left them open to the charge of inconsistency, because they said, that this 8*l.* qualification was to have been proposed as equivalent to 10*l.* In bringing it forward, therefore, as an 8*l.* qualification, and not a 10*l.*, her Majesty's Ministers were acting with great inconsistency. They had offered to the House a 10*l.* qualification, but when he (Mr. Jackson) and those acting with him proposed to make that a *bonâ fide* qualification by rating, they were told that the effect of their proposal would be to make it a 12*l.* or 15*l.* qualification. Now they were told they were not to have a 10*l.*, but an 8*l.* qualification. Surely it would appear from this, that all the concession had been upon their side, and none on the part of hon. Members opposite. He himself had given much dissatisfaction to persons in Ireland whose good opinion he was very desirous of retaining—he had even given offence to many constituencies, and amongst the rest to his own, by the concession he had already made in offering to agree to a 10*l.* franchise. The House would recollect, that he, and those with whom he was in the habit of acting, had voted for the second reading of the present measure at the hazard of losing the confidence of many amongst their constituents; their having done that, however, did by no means pledge them to supporting every one of the details of the bill.

Lord *Eliot*, in explanation, begged to say that he did not mean to convey any idea that he thought it a trifle to give satisfaction to the people of Ireland. With respect to what he had said of the speeches published in the pamphlet, he had only to observe, that no one could be more willing than he had ever been to make allowance for an inconsiderate expression escaping from any one during the heat and excitement of a public meeting; but it was not on speeches of that description that he had been animadverting, it was upon reports of speeches revised and dispassionately correctly, and advisedly published.

Sir *R. Peel* said: Sir, I do not intend to protract this debate, because I know that such a course would only lead to a result which, for my own part, I am most anxious to avoid. This, I am aware, is a most unfavourable moment for us to take a division, but still, recollecting the general feeling of the House on the subject in the last Session, I do not mean to protract the debate on that account. Indeed, I feel I could not do so without the risk of introducing topics which are not only irrelevant, but which I am most anxious to avoid; and therefore it is, that I am content to risk a division, which I see must be unfavourable to me, rather than give rise to a discussion such as I have adverted to. My impression, however, was, Sir, that the Government did not mean to persevere with this measure during the present Session, and I was led to entertain this impression from the circumstance of its having been announced in the spring that there were three subjects of immense importance to which the attention of the House was to be called—one relative to improvements in the civil and criminal laws, the other to Canada, and the third to the municipal corporations of Ireland. Now, with respect to the improvements in the civil and criminal laws we have heard nothing; and as all legislation with regard to a constitution for Canada has been deferred to a future period, I naturally thought that the Irish Municipal Corporations Bill would follow the fate of its brethren—and that the Government did not intend to press it forward at this advanced period of the Session. That, Sir, was my impression until I heard it announced the other night that we were to be called upon to proceed with the Irish Corporations Bill. My noble Friend has called the question under the consideration of the Committee a trifle, and I can only say, that if I were wrong I would at once concede it; but, feeling that I am right, I am bound at all events to record my opinion by the vote which I shall give on the division in favour of the proposition of my right hon. and learned Friend, and against the proposition of the noble Lord. With respect to the speeches which have been alluded to by my noble Friend, I feel confident that no one comes in for more condemnation in those speeches than I do myself for the course which I have taken in reference to this bill. Sir, my noble Friend says, that no concession we could make would conciliate those parties; but I can only assure him, that I desire to make no concession to any party—that all I wish to do on this and all other occasions, is what is right. Sir, since I stated my desire to bring about a settlement of this long-agitated question, I have done everything in my power to induce my friends to waive the strong feelings which they entertained upon the subject; but I at the same time, did state to them the ground which I thought would lead to that settlement, and that was, as my hon. and learned Friend the Member for Bandon has truly stated, that there should be a *bonâ fide* franchise of ten pounds. If the Government wish to conciliate and satisfy both parties, it is important that they should give up the present trifling difference between them. When the question was the second reading of this bill, I opposed the views of several of my own Friends on this side of the House, by giving the Government my assistance in carrying that motion; and even now, if I thought the noble Lord right and myself wrong, I would consent to his present proposition; but as I know that I am right and the noble Lord is wrong, I am bound to fulfil the promise on which the assistance by which the motion for the second reading has been gained, was given. I cannot, therefore, shrink from the necessity of a division, although I have no wish to protract the debate to a late hour, when those Friends who would support me will be here. Sir, I shall merely state that, as we have deferred providing for the constitution of Canada until a future period, on the same grounds I object to our now deferring what the Irish municipal corporation franchise should be in 1842. Let the noble Lord clearly understand that I hold out to him no hope; for I will make no rash promises of assisting him in his proposition until I see how the Irish Poor-laws work. I will come to no conclusion, but, on the contrary, I will hold myself unfettered to pursue hereafter any course which I may deem expedient. What I object to now is, affirming the principle as to what the franchise in the corporate towns of Ireland shall be at a future period. Now, with respect to the amount of the franchise. What I proposed last year, was a 10*l.* franchise, subject to the landlord's rates and insurance. This afforded an opportunity for much popular argument and abuse, but it was obvious that the amount of the deductions must vary in different places. In England, they vary from 7*l.* to 14*l.* per cent., and in some places, from 5*l.* to 18*l.* or 20*l.* per cent., according as the tenement is composed of land or houses. There must be a difference in the deductions under such circumstances, and it is on these grounds that I intended the 10*l.*, which I proposed should be subject to those deductions. This I proposed in conformity with my own convictions, and in fulfilment of the assurance which I gave to those friends whom I induced to waive their opposition to the measure; and for that reason I now feel it to be my duty to adhere to the 10*l.* franchise. No arguments that I have heard have convinced me that I ought to forego this proposition, and my only regret now is, that the subject had not been brought under discussion at an earlier period of the Session, when the sense of the House could have been better taken upon it than now.

The House divided on the original question:—Ayes 104; Noes 54: Majority 50.

List of the AYES.

Aglionby, H. A.
Alston, R.
Anson, hon. Col.
Archbold, R.
Baines, E.
Barnard, E. G.
Beamish, F. B.
Bellew, R. M.
Bewes, T.
Blake, M. J.
Blake, W. J.
Bridgman, H.
Brocklehurst, J.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Buller, C.
Busfield, W.
Butler, hon. Colonel
Cave, R. O.
Chalmers, P.
Clive, E. B.
Coote, Sir C. H.
Craig, W. G.
Curry, Mr. Sergeant
Dalmeny, Lord
Davies, Colonel
Denison, W. J.
Eliot, Lord
Elliot, hon. J. E.
Fielden, John
Fenton, J.
Ferguson, Sir R. A.
Finch, F.
Fitzpatrick, J. W.
Fleetwood, Sir P. H.
Gordon, R.
Heathcoat, J.
Hobhouse, T. B.
Hodges, T. L.
Hoskins, K.
Hutton, Robert
James, W.
Macleod, R.
M'Taggart, J.
Marshall, W.
Melgund, Lord Visct.
Morpeth, Lord Visct.
Morris, D.
Muskett, G. A.
Nagle, Sir R.
Norreys, Sir D. J.
O'Brien, W. S.
O'Connell, Dan.
O'Connell, M. J.
O'Connell, Morgan
Ord, W.
Oswald, J.
Paget, F.
Palmerston, Ld. Visct.
Parker, J.
Parrott, J.
Pendarves, E. W. W.
Pigott, D. R.
Power, J.
Price, Sir R.
Pusey, P.
Redington, T. N.
Rice, right hon. T. S.
Roche, E. B.
Roche, W.
Rundle, J.
Russell, Lord J.
Russell, Lord
Russell, Lord C.
Salwey, Colonel
Scholefield, J.
Seale, Sir J. H.
Seymour, Lord
Smith, B.
Smith, R. V.
Somers, J. P.
Somerville, Sir W. M.
Stanley, hon. E. J.
Stuart Lord J.
Stuart, W. V.
Stock, Dr.
Strutt, Edw.
Tancred, H. W.
Thornley, T.
Troubridge, Sir E. T.
Turner, E.
Vigors, N. A.
Wakley, T.
Wallace, R.
Warburton, H.
Ward, H. G.
White, A.
Williams, W. A.
Wilshere, W.
Winnington, H. J.
Wood, C.
Wyse, T.
Yates, J. A.

TELLERS.
O'Ferrall, M.
Steuart, R.

List of the NOES.

A'Court, Captain
Archdall, M.
Ashley, Lord
Ballie, Colonel
Blennerhassett, A.
Buller, Sir J. Y.
Burroughes, H. N.
Chapman, A.
Chute, W. L. W.
Clerk, Sir G.
Clive, hon. R. H.
Corry, hon. H.

Courtenay, P.
Darby, G.
Dunbar, G.
Eastnor, Lord Visct.
Eaton, R. J.
Egerton, W. T.
Egerton, Sir P.
Estcourt, T.
Fitzroy, hon. H.
Fremantle, Sir T.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Hale, R. B.
Halford, H.
Herbert, hon. S.
Hogg, J. W.
Holmes, hon. W. A'C.
Hope, H. T.
Hotham, Lord
Hughes, W. B.
Jermyn, Earl
Jones, Captain
Knatchbull, rt. hn. Sir E.
Lincoln, Earl of
Lockhart, A. M.
Lygon, hon. Gen.
Mackenzie, T.
Miles, W.
Parker, M.
Peel, right hon. Sir R.
Peel, J.
Perceval, Colonel
Perceval, hon. G. J.
Praed, W. T.
Round, C. G.
Round, J.
Stanley, Lord
Teignmouth, Lord
Tennent, J. E.
Vere, Sir C. B.
Vernon, G. H.
Villiers, Lord Visct.

TELLERS.
Jackson, Mr. Sergeant
Shaw, right hon. F.

Sir *R. Ferguson* moved the omission of the 22d clause, settling the qualification at the end of three years.

The Committee, after a short discussion, agreed to this suggestion, and divided on the question, that it should form part of the bill:—Ayes 96; Noes 50:—Majority, 46.

List of the AYES.

Aglionby, H. A.
Alcock, T.
Alston, R.
Archbold, R.
Bannerman, A.
Barnard, E. G.
Beamish, F. B.
Bellew, R. M.
Bewes, T.
Blake, M. J.
Blake, W. J.
Bridgeman, H.
Brodie, W. B.
Browne, R. D.
Bryan, G.
Busfeild, W.
Callaghan, D.
Cave, R. O.
Chalmers, P.
Clive, E. B.
Collins, W.
Curry, Mr. Sergeant
Dalmeny, Lord
Dashwood, G. H.
Davies, Colonel
Denison, W. J.
Easthope, J.
Evans, G.
Fenton, J.
Finch, F.
Fitzpatrick, J. W.
Fleetwood, Sir P. H.
Grey, rt. hon. Sir G.
Heathcoat, J.
Hector, C. J.
Hobhouse, rt. h. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hoskins, K.
Howick, Lord Vis.
Hutton, R.
Lister, E. C.
Lushington, C.
Macleod, R.
Marshall, W.
Mildmay, P. St. John
Morpeth, Lord Vis.
Morris, D.
Muskett, G. A.
Nagle, Sir R.
Norreys, Sir D. J.
O'Brien, W. S.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
Ord, W.
Palmer, C. F.
Parker, J.
Parnell, rt. h. Sir H.
Parrott, J.
Pendarves, E. W. W.
Pigot, D. R.
Price, Sir R.
Redington, T. N.
Roche, E. B.
Rundle, J.
Russell, Lord J.
Russell, Lord C.
Rutherford, rt. h. A.
Salwey, Colonel
Scholefield, J.
Seale, Sir J. H.
Sheil, R. L.
Smith, B.
Smith, R. V.
Somers, J. P.
Somerville, Sir W. M.
Stuart, Lord J.
Stuart, W. V.
Stock, Dr.
Strutt, E.
Tancred, H. W.
Thornely, T.
Troubridge, Sir E. T.
Turner, E.
Turner, W.
Vigors, N. A.
Wakley, T.
Williams, W.
Williams, W. A.
Wilshere, W.
Winnington, H. J.
Wood, C.
Wyse, T.
Yates, J. A.

TELLERS.
Stanley, E. J.
Donkin, Sir R.

List of the NOES.

A'Court, Captain
Attwood, W.
Baillie, Colonel
Baring, hon. W. B.
Blennerhassett, A.
Buck, L. W.
Burroughes, H. N.
Chute, W. L. W.
Clive, hon. R. H.
Coote, Sir C. H.
Courtenay, P.
Cresswell, C.
Darby, G.
Dunbar, G.
East, J. B.
Eastnor, Lord Vis.
Eliot, Lord
Estcourt, T.
Fitzroy, hon. H.
Goulburn, rt. hon. H.
Grimsditch, T.
Hale, R. B.
Hardinge, rt. h. Sir H.
Hepburn, Sir T.
Hodgson, R.
Hogg, J. W.
Holmes, hon. W. A.
Hotham, Lord
Hughes, W. B.
Jackson, Mr. Sergeant
Jermyn, Earl
Jones, Captain
Knatchbull, r.h. Sir E.
Lockhart, A. M.
Lowther, J. H.
Lygon, hon. General
Mackenzie, T.
Monypenny, T. G.
Pakington, J. S.
Palmer, G.
Perceval, hon. G. J.
Praed, W. T.
Pusey, P.
Round, C. G.
Round J.
Rushbrooke, Colonel
Teignmouth, Lord
Tennent, J. E.
Thomas, Colonel H.
Vere, Sir C. B.

TELLERS.
Shaw, rt. hon. F.
Ferguson, Sir R.

On Clause 71,

Mr. *Shaw* proposed to add the following proviso at the end of the clause —"Provided always that nothing in this Act ontained shall be construed to dispense with the obligation of any person to make and subscribe the oath provided and enjoined by an Act made in the 10th year of the reign of his late Majesty King George 4th, entitled 'An Act for the Relief of his Majesty's Roman Catholic Subjects.'" In moving to add this proviso he would only observe that there was nothing new in the oath or in the obligation which it imposed, and that it was merely his intention to leave the law as it stood before.

Mr. *O'Connell* opposed the motion.

He wished the clause to remain as it stood. The moment the oath was taken feuds would inevitably arise. The Protestant was not required to take an oath, and why should an oath be required of the Catholic? If the proviso were added, it would put a firebrand into the Act. It was the policy of the Legislature to require as few oaths as possible; he wished to see the number diminished, and he was happy to find that the Act did not oblige any Protestant to take an oath.

The Committee divided on the question that the proviso be added:—Ayes 112; Noes 157:—Majority 45.

List of the Ayes.

Ackland, T. D.
A'Court, Captain
Alford, Lord Vis.
Alsager, Captain
Bagge, W.
Bailey J.
Baillie, Colonel
Baring, H. B.
Baring, hon. W. B.
Bentinck, Lord G.
Blennerhassett, A.
Bradshaw, J.
Broadley, H.
Brownrigg, S.
Bruce, Lord E.
Buck, L. W.
Burrell, Sir C.
Calcraft, J. H.
Chute, W. L. W.
Clerk, Sir G.
Cole, Lord Vis.
Compton, H. C.
Corry, hon. H.
Courtenay, P.
Cresswell, C.
Darby, G.
De Horsey, S. H.
Douglas, Sir C. E.
Dugdale, W. S.
Dunbar, G.
Duncombe, hon. W.
Duncombe, hon. A.
Dungannon, Lord Vis.
East, J. B.
Eastnor, Lord Vis.
Egerton, W. T.
Eliot, Lord
Estcourt, T.
Estcourt, T.
Fitzroy, hon. H.
Gordon, hon. Capt.
Goulburn, rt. hon. H.
Graham, rt. hn. Sir. J.
Greene, T.
Grimsditch, T.
Grimston, hon. E. H.
Hale, R. B.
Halford, H.
Hepburn, Sir T. B.
Herries, rt. hon. J. C.
Hodgson, F.
Hodgson, R.
Hogg, J. W.
Holmes, hon. W. A.
Holmes, W.
Hope, G. W.
Hotham, Lord
Hughes, W. B.
Hurst, F.
Ingestrie, Lord Vis.
Irton, S.
Irving, J.
James, Sir W. C.
Jermyn, Earl
Jones, Captain
Kemble, Henry
Knatchbull, rt. h. Sir E.
Knightley, Sir C.
Knox, hon. T.
Lascelles, hon. W. S.
Law, hon. C. E.
Liddell, hon. H. T.
Lowther, J. H.
Lygon, hon. G.
Mackenzie, T.
Master, T. W. C.
Meynell, Captain
Monypenny, T. G.
Nicholl, J.
Owen, Sir J.
Packe, C. W.
Palmer, G.
Parker, M.
Peel, rt. hon. Sir R.
Perceval, hon. G. J.
Pigot, R.
Polhill, Frederick
Pollen, Sir J. W.
Pollock, Sir F.
Praed, W. T.
Price, R.
Pringle, A.
Richards, R.
Round, C. G.
Round, J.
Rushbrooke, Colonel
Sanderson, R.
Scarlett, Hon. J. Y.
Sheppard T.
Stanley, E.
Stormont, Lord Vis.
Tennent, J. E.
Thomas, Colonel, H.
Thompson, Mr. Ald.
Thornhill, G.
Trench, Sir F.
Vere, Sir C. B.
Verner, Colonel
Villiers, Lord Vis.
Waddington, H. S.
Wood, Colonel T.
Wood, T.

TELLERS.
Shaw, rt. hon. F.
Jackson, Mr. Sergeant

List of the Noes.

Adam, Admiral
Aglionby, H. A.
Ainsworth, P.
Alcock, T.
Alston, R.
Archbold, R.
Bannerman, A.
Baring, F. T.
Barnard, E. G.
Beamish, F. B.
Bellew, R. M.
Bewes, T.
Blackett, C.
Blake, M. J.
Bridgeman, H.
Brodie, W. B.
Brotherton, J.
Browne, R. D.
Bruges, W. H. L.
Bryan, G.
Buller, C.
Busfeild, W.
Byng, rt. hon. G. S.
Callaghan, D.
Campbell, Sir J.
Cave, R. O.
Chalmers, P.
Chapman, Sir M. L. C.
Childers, J. W.
Clive, E. B.
Collins, W.
Craig, W. G.
Currie, R.
Curry, Mr. Serjeant
Dalmeny, Lord
Davies, Colonel
Denison, W. J.
Divett, E.
Donkin, Sir R. S.
Duke, Sir J.
Easthope, J.
Ellice, E.
Evans, G.
Evans, W.
Fenton, J.
Ferguson, Sir R. A.
Finch, F.
Fitzpatrick, J. W.
Fleetwood, Sir P. H.
Gordon, R.
Grey, rt. hon. Sir G.
Guest, Sir J.
Handley, H.
Hawkins, J. H.
Hayter, W. G.
Heathcoat, J.
Hector, C. J.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hollond, R.
Horsman, E.
Hoskins, K.
Howick, Lord Vis.
Hume, J.
Humphery, J.
Hutton, R.
James, W.
Jervis, S.
Kinnaird, hon. A. F.
Labouchere, rt. hn. H.
Lambton, H.
Langdale, hon. C.
Loch, J.
Macaulay, T. B.
Macleod, R.
M'Taggart, J.
Marshall, W.
Marsland, H.
Martin, J.
Maule, hon. F.
Melgund, Lord Vis.
Mildmay, P. St. J.
Milnes, R. M.
Morpeth, Lord Vis.
Morris, D.
Nagle, Sir R.
Norreys, Sir D. J.
O'Brien, W. S.
O'Connell, D.
O'Connell, J.
O'Connell, M. J.
O'Connell, M.
Oswald, J.
Palmer, C. F.
Palmerston, Lord Vis.
Parnell, rt. hon. Sir H.
Parrott, J.
Pechell, Captain
Pendarves, E. W. W.
Philips, G. R.
Pigot, D. R.
Power, J.
Price, Sir R.
Pryse, P.
Redington, T. N.
Rice, rt. hon. T. S.
Roche, E. B.
Roche, W.
Rolfe, Sir R. M.

Rumbold, C. E.
Rundle, J.
Russell, Lord J.
Russell, Lord C.
Rutherfurd, rt hon A.
Salwey, Colonel
Scholefield, J.
Scrope, G. P.
Seale, Sir J. H.
Sheil, R. L.
Slaney, R. A.
Smith, G. R.
Smith, R. V.
Somers, J. P.
Somerville, Sir W. M.
Stanley, hon. W. O.
Stewart, J.
Stuart, W. V.
Stock, Dr.
Strutt, E.
Style, Sir C.
Talfourd, Mr. Sergeant
Tancred, H. W.
Teignmouth, Lord
Townley, R. G.
Troubridge, Sir E. T.
Turner, W.
Verney, Sir H.
Vigors, N. A.
Villiers, hon. C. P.
Walker, R.
Wallace, R.
Ward, H. G.
White, A.
White, H.
Wilbraham,
Wilde, Mr. Sergeant
Williams, W.
Williams, W. A.
Wilshere, W.
Winnington, H. J.
Wood, C.
Wood, Sir M.
Wood, G. W.
Wyse, T.
Yates, J. A.

TELLERS.
O'Ferrall, M.
Parker, J.

Clause agreed to.

Rest of the bill, with the exception of Schedule B postponed, agreed to.

House resumed. Report to be received.

BILLS OF EXCHANGE.—No. 2.] On the Order of the Day for the Committee on this bill being read,

Sir *R. H. Inglis* objected to going into the subject at that hour. The bill, in his opinion, was too extensive in its operation. It went to an almost total repeal of the usury laws.

The *Chancellor of the Exchequer* said, that the present bill was brought in instead of one which had already passed that House and been sent up to the House of Lords, whence it had been returned with such amendments as would render its passing into a law very inconvenient. For instance, the Lords removed all loans on deposits of goods from the operation of the usury laws. Now, one effect of that would be to repeal the Pawnbrokers' Act, which certainly was not contemplated on the introduction of the bill. There were other amendments by the Lords, to which there was no objection; but instead of agreeing to the amendments of the Lords in the original bill, it was thought better to bring in a new bill, which, while it adopted those amendments, did so without risking the repeal of the Pawnbrokers' Act. He would not make any motion on the bill as returned from the Lords until he should ascertain what would be the fate of this in the other House. If any objection were urged to going into the Committee now, he would not press it.

The House in Committee.

On the first clause,

Sir *R. H. Inglis* objected to the operation of the bill being restricted to sums above 10*l.*

The *Chancellor of the Exchequer* said, the bill as sent from the Lords had repealed the usury laws on contracts with deposits of goods. Here was a case of contract without deposit of goods, to which the bill would not apply. The result would be, that a person who could obtain money on simple contract would derive no benefit from the bill, but the slightest deposit of goods would legalize the contract. There was no practical change in the bill as sent from the Lords but that which made it more reasonable and consistent with law.

Mr. *Cayley* wished to propose a proviso to the first clause to this effect, "That nothing herein contained shall extend to produce or stock in the hands of the growers."

The *Chancellor of the Exchequer*: the effect of that would be, that a farmer having 100 quarters of grain, and his neighbour 100 bags of cotton, the former would be prevented from raising money on his 100 quarters of grain, while the holder of the cotton would have a monopoly of the money-market. But if they supposed two proprietors of 100 quarters of grain each, one the grower and the other the factor, the latter would be able to raise money on his stock, while the unfortunate farmer's would be useless in that respect. The chief object of this bill was to afford brief aid in raising money for short periods; another was to extend it to long engagements, such as bills of twelve months. He could assure his hon. Friend that if he had the misfortune to carry his amendment, he could not inflict a greater blow on the class of persons he wished to serve.

Mr. *Cayley* said, his object was to protect the lower class of borrowers.

Captain *Gordon* thought, that the facility of raising money on deposit of stock would be an advantage to the farmer, as it would frequently prevent the sacrifice of his stock at a ruinous loss.

Mr. *F. Baring* said that the proposition of the hon. Member (Mr. Cayley) would place the farmer in a worse condition than he was before.

Mr. *M. Philips* said, that the bill would be of great advantage to the farmer by enabling him to borrow money for a short period at a high rate of interest it was true, but which he could better afford than he could to raise money by selling his stock at a ruinous loss. The extensive farmers governed the sales of the market, and when they were obliged to sell below the market-price, that lowered the market, and did great injury to all the farmers as well as to themselves. By the facility of borrowing money they would be enabled to get out of their difficulties without sinking the market price.

Mr. *Darby* believed the bill would ultimately do mischief by leading to speculation, though it might afford present aid to individuals; but on the whole he thought it would be far from placing things on a sound footing.

Mr. Cayley withdrew his amendment. Bill went through the Committee.

HOUSE OF LORDS,

Friday, July 5, 1839.

Minutes.] Bills. Read a first time:—Joint Tenants Voting (Ireland); Prisons (Scotland); Brick Duties; Paper Duties.—Read a second time:—Watch Rates.

Petitions presented. By Lord Portman, from Shepton Mallet, in favour of the Copyhold Enfranchisement Bill.—By the Archbishop of Canterbury, the Bishop of Bangor, and the Earl of Devon, from several places, against the Government plan for National Education.—By the Duke of Rutland, from Walton, against allowing any but Church of England Chaplains to Gaols.

Government of Jamaica—Second Measure.] The Marquess of *Normanby* on moving the third reading of the Jamaica Bill, said, that he could not help reiterating the expression of his regret that this House had deprived the bill of those enactments which he considered were essentially necessary in the present state of society in Jamaica; which would have given satisfaction to the negro, and which, at the same time, would have benefited the community in that colony. He begged to remark, that the same provisions had been in operation elsewhere, and had acted beneficially; and he trusted that as the bill, in the event of its passing in its present state, must have the unanimous approbation and assent of both Houses of Parliament, the House of Assembly, would resume their duties, so as to render its enactments unnecessary. He could assure the House, that every disposition existed on the part of the Government, by the instructions which they should give to the new Governor who was going out, to secure this most desirable result.

The bill read a third time.

Education.] The Archbishop of *Canterbury* said, that he had had the honour of presenting several petitions to their Lordships' House this evening, all of which had been directed against the plan proposed by the Government in relation to the scheme of education, and against the appointment of a committee of the Privy Council to carry out that measure; and praying the House to avert the evil by which the Church was threatened by the adoption of such a course. In the general sentiments expressed in those petitions he entirely concurred, although he entertained a full sense that that concurrence of opinion placed him in a situation extremely distressing to himself—he meant that of being in opposition to her Majesty's Government. He had never found himself in such a position, without the greatest pain and concern, and he could assure their Lordships, that nothing but the paramount importance of his duty could have determined him to place himself in that position, which was in many respects unbecoming; but, at the same time, he felt that standing in the situation in which he stood, invested as he was, to a great degree, with the important charge of the Church, the guardianship of which, as well as of the moral and religious interests of the country, in a great measure, devolved upon him, he could not, consistently with the obligations under which he was placed, decline coming forward upon this occasion. If, however, so far as his own personal feelings were concerned, he was disposed to decline the duty, he could not have resisted the call which was made on him by the voice, he would not say of the clergy, but of all the friends of the Church, and not only of all the friends of the Church, but also by a very numerous body of dissenters. The clergy, who were always the objects of attack upon these occasions, might possibly be reputed to be acting from interested motives, but could that charge, by any possibility, be supported, when it was seen that a body, dissenting from the Church, a body most highly respectable in itself, most anxious for religious freedom, and entirely devoid of political bias, had come forward on this occasion, and could it be supposed that the Church had no regard for the interests of religion, and would sacrifice the real interests of the people to political considerations? With respect to those who were friends of the Church, it would be seen that this was a matter which affected the true foundation, not only of the Church, but of religion itself. It was a question as to the manner in which the people should be educated—whether they should receive their education on the sound principles of the Church, or whether the door should be thrown open to the instillation of principles of every sect, however wild or extravagant. Much had been said against the clergy upon this occasion, and he presumed that they were attacked as distinguished from the Church, because they were supposed to be the most vulnerable. It was said, that the clergy wished to keep the people in ignorance, that they were actuated by bigotry, and that they put forward pretensions to the exclusive education of the people. There was, however, no foundation for any such objections. If they were guilty of any crime, it was not that they were adverse to the diffusion of knowledge, but that they wished to extend it further than it seemed proper that the people should have it, and that to knowledge of affairs relating to the world—to mere secular knowledge, they would add the sanction of religion. With regard to the accusation of bigotry, he presumed that that meant nothing more than a decided attachment to that religion which they considered the best, and to that charge certainly they were inclined to plead guilty, and he thought that there was no man in his senses but would give them credit for feelings of that kind. As to their arrogating to themselves the education of the people, all that they desired was, that the education of the children of the parents among their flocks who were attached to the Church might not be taken out of their hands, that there might be no interference with them in the performance of their duty with the young as well as the old, so that the children of their flocks might be educated in the same principles, and in the same faith and doctrines of religion, which they would afterwards hear preached in Church. In considering this charge more particularly, their Lordships would perhaps allow him to say a few words in reference to the history of the education of the poor of this country. It certainly might appear surprising to those who were not acquainted with the state of things in those ages, that very little was done at the time of the Reformation for the education of the poor. The ignorance which up to that time had pervaded the country, and the evils which had resulted from it, had made the greatest impression upon the minds of all men, and the ignorance which was then most particularly desired to be removed was that of the higher classes, and many schools were therefore established immediately after the Reformation, which were, however, in the nature of grammar schools, and were meant for the instruction of the higher classes in languages, in order that they might be recovered from the ignorance which existed among them. It was not, however, until the end of the seventeenth century, in 1685, that the first charity school was erected in this great town for the education of the poor. That school was established by the friends of the Church. Subsequently, at the beginning of the eighteenth century, the want of education among the poor began to press on the minds of the friends of the Church, and at that time societies, composed exclusively of the clergy, were formed, and they in the course of a few years extended the scheme, which subsequently continued to flourish to the great advantage of this town. The schools had since increased in number, but that was the work of the Church; it was the work of the Society for Promoting Christian Knowledge; and while at first the number of persons instructed amounted to only 400 or 500, and had subsequently increased to 700, it was now so much extended that a selection of them only could obtain room in St. Paul's Cathedral at the annual celebration. Under the authority of this Society, about 1,500 schools had been established in England and Wales, and they were instituted on the principles of the Established Church, and not on the principle of dissent. What was done then was very inadequate, and when the population increased, the want of education in this country was found to be so great, as to make the friends of religion despair. It seemed impossible to devise remedies for the defects in the existing system, for nothing material had been done by the friends of the Church; and at that time throughout the country there was such a want of education, and there was such a mass of uneducated people, that the most sanguine persons would have been disheartened. About that time, however, a new system was established. He meant that which was first instituted by Dr. Bell, which was formed on the model of a school which he had seen in the East Indies, and which was afterwards adopted by Mr. Lancaster, and was now indiscriminately used, so far as the mechanism was concerned, as the Madras or Lancasterian system, for they were both the same, and gave an opportunity to the Society to extend their labours for the education of the poor. The House was aware, what was the state of the country at that time, and in seeing the change which had taken place in the course of thirty years since those schools had been first established, would be able to judge of the great obligations under which the country rested to this Society, and how much they were entitled to it for its labours. The Society at first proceeded to the accomplishment of their object by promoting the erection of new schools throughout the country, and establishing a central school in London. In their report, they said, that they found themselves in connection with almost every diocese in England and Wales, and that by means of their funds, amounting to 120,000*l.*, they had aided in procuring the establishment of new schools in 1,553 places. The number of schools formerly established, was 6,778, and the scholars amounted to upwards of 597,000; while in 1837, the number of schools was 17,341, while the scholars were a million and eighty-seven. Now, when the House heard these facts stated, the accuracy of which there was no reason to doubt, he thought that they might admit that the charge against the clergy, that they desired to keep the people without education, was totally without foundation. But then they were charged also with bigotry. Was it, however, to be expected—could the country with any show of reason expect—that they could act in opposition to their own principles and to the principles of that Church of which they were members? When they professed that their religion was pure in its doctrines, true in its constitution, sound in its morals, and was calculated in every respect to supply the spiritual wants of the poorer classes, could they endeavour to promote the education of children on principles of religion opposite to those which they themselves professed? He must say, that although they might be exclusive in their principles, and although they might confine the education and the instruction which they delivered to that which was according to the doctrines and precepts of their own Church, they were otherwise by no means exclusive, for they admitted children of every description into their schools—no one was excluded; but at the same time he must admit that they insisted that they should all be instructed in the principles of the Established Church. He conceived, that they were right in adopting this course, and that it could not be said that they were wrong; the boon had been most thankfully accepted by many Dissenters, and in reality might be accepted by all Dissenters, who were usually called orthodox. So far as the catechism and the commandments were concerned, there was nothing in them which was offensive to any Dissenter, and he could see no reason why the most conscientious Dissenter who held these doctrines should not allow his children to go to the schools; for, in truth, the only exception which could be urged was in some words used in the catechism. With regard to attending public worship, they were not compelled to follow the tenets of the Established Church, provided their parents took them to any other place. He knew that this was the regulation which existed, for at this moment there was a school established in Westminster at which there were upwards of forty Roman Catholic children, but in reference to them he saw no difficulty; because if ever there had been any expressions in the liturgy opposed to the Roman Catholic faith, they had been expunged by the good sense of those who reviewed it in after times. He trusted that he had sufficiently explained the opinion of the clergy. Their schools were open to the children of Dissenters, and they went as far as could be possibly considered proper. He trusted, therefore, that by what he had said he had absolved the Church and the friends of the Church in this country from the charge of having any desire to keep the people in ignorance, of having any aversion to the diffusion of knowledge, of being actuated by bigotry to their own principles; firm attachment they had, but bigotry they had none; and of having acted with any unfairness towards the Dissenters. It appeared with respect to what the Church had done—it appeared from public returns made in the year 1833—that the exertion of the Church and of the friends of the Church in the promotion of education exceeded those of the dissenters in a degree which he was almost afraid to mention. If he took the lowest calculation that he had seen, made by an eminent person, it would seem, that the state of education furnished by the Church was twenty to one when compared with the education afforded by dissenters. But, in making that statement, he must observe, that the dissenters were not so much without education, because many of their children were educated in the schools of the Established Church; and so far they swelled the number of the scholars in those schools. Still there had been a very great deficiency in the amount of education, and even now there was a great deficiency in the education of the people. He had seen different statements and calculations upon this point, but the results were so uncertain that he would not trouble their Lordships with them. Whatever was said, however, these calculations showed, that there was a great deficiency in the amount of education in this country. No one more deplored this deficiency than the friends of the Church, and than the persons who conducted the society of which he had been speaking, and which might be considered the great organ of education in the hands of the Church, although there were many schools in the hands of the Church which were not connected with that society. They had been labouring to supply that want, and to introduce schools more extensively. In the course of the year 1838, and during the present year, they had been making great exertions—exertions which, he trusted, had been attended with a considerable degree of success; there was every prospect of it; and the friends of the Church had come forward in a manner that did the highest credit to their zeal and their expectations; although liable to all the imperfections which belonged to everything human, they would, he hoped, be realized in a high degree. It was proposed to establish a diocesan society; it was proposed, that teachers should be trained, for the want of proper schoolmasters had been extensively felt; it was proposed to establish a training school in every diocese, and he trusted that the best effects would follow. It was proposed, also, under the superintendence of the bishop and chapter of each diocese, to establish schools in every parish, or in every district where they could be conveniently founded. These schools were to be under the charge of the minister of the parish, and they would give to the whole agricultural population the benefits of religious and moral instruction. It was proposed likewise to establish a system of superintendence to secure the efficiency of the schools, and the uniformity of their proceedings. And, in a short time, he hoped, that the schools would be so far founded, that every clergyman — every good clergyman did it now—but he hoped soon that every clergyman would consider it as much his duty to promote a school in his parish as he did now to perform his duty in his Church. At the present time, if a clergyman neglected the duty of his church—if he absented himself from his parish, or failed in the performance of his duty—he was a marked character among his friends; and he (the Archbishop of Canterbury) trusted, that the time was not far distant when the same would be said of any neglect of the clergyman's school duty, and that every one of the clergy would deem it proper to promote the establishment of a school where there was none, and to superintend it if there was one. Now, considering the relation in which the Church stood to the State—considering the number of its members—considering the purity of its doctrines—considering the excellence of the moral and religious feelings which it tended to promote, and considering its obedience to the laws of the Government and of the State—he did not think that it was asking too much if it looked up to the Government of this country to assist it in promoting education. He thought that the claim could hardly be resisted. And at the same time the Government ought to have so much confidence in the Church as to intrust it with the management of the education of its own children, under the conditions he had before stated; or, at least, that the Government would abstain from all interference with religious teaching. He thought, that if the Government granted relief or assistance, it had a right to ensure the efficiency of its grant, and that wherever there was a grant of public money, the public had a right to see how it was applied. He was certain, however, that if the Government received an assurance that the schools were conducted properly with respect to secular learning, they might leave the religious instruction to the care of the members of the Church. In claiming thus much, was there any assumption—was there any arrogance—was there any desire to take into the hands of the Church all the education of the country? The Church had never advanced any pretension of that kind. He did not say, that injudicious language might not have been occasionally used upon this subject; but he appealed in confirmation of his statement to the conduct of the clergy in general. A grant of 20,000*l.* had been lately most laudably and most liberally made by the Government to schools connected with the National Society and with the Lancasterian Society. Had the clergy complained of the share of the Lancasterian Society? The National Society had taken their share, not only without complaint, but thankfully; they had never inquired what proportion was given to the other body, and they had been satisfied with the plan as a temporary expedient. Such it was stated to be. When Lord Althorp introduced it, he said that he brought it forward as an experiment. It had succeeded—it had been usefully applied, and he had never heard that the conductors of the Lancasterian schools were dissatisfied with the share they had received. It was considered by all as an experiment, as a temporary expedient; it was thought that a permanent system would be established in conformity with the expectations held out, and that the whole system of national education would be definitely settled. It was conceived also by the clergy that this system would be referred to the whole Parliament, and both societies had the greatest confidence that the wisdom of Parliament would distribute the fund faithfully, and with a due care for the claims of the various parties that might be entitled to consideration. He was satisfied, then, that it was hardly surprising, if they viewed the present state of things with suspicion and jealousy, and to that he attributed the great sensation in the country respecting the minutes of the Privy Council. It was considered that these minutes laid the foundation for a permanent system, without any application to Parliament. The country saw that these minutes established a board composed exclusively of her Majesty's Ministers, that the board was invested with large discretionary powers, and that it was disposed to introduce many innovations, not effected by any act of legislation, but by a mode of proceeding entirely excluding one branch of the Legislature excluding their Lordships' House from interfering, or from expressing any opinion on a matter of such great importance to the interests of the people. These apprehensions were greatly increased, because it was impossible not to look at the wild and extravagant schemes of education entertained in various quarters. They had seen a system of education proposed, from which religious instruction was entirely excluded. They had also seen a system of general education proposed, from which all creeds and catechisms were banished, and which would prevent the friends of the Church of England from educating their children according to their own views and their own persuasion of what was right. They had seen also, that it had been proposed to carry a scheme into execution for establishing what was falsely called a liberal system of education, without the intervention of Parliament. Let it not be conceived, however, from what he had said, or from the extract which he would read, that he was implicating the Committee, or that he was ascribing to them any participation in the design; but he meant only to show, that it was the plan of some persons. It was contained in the publication of a large society connected with education. The purport of the extract was, that

> "All hope of amending the present system of education was to be abandoned in the nicely balanced state of parties; it would be some years before such a measure as the people had a right to demand would be passed by the House of Lords, but a bill was not a *sine qua non*. Ministers had the power in their own hands, by a simple vote of the House of Commons, of extending the schools, and of commencing a reform of those already established. It only required the establishment of a board of education, with the same powers of granting educational assistance as was given to the Lords of the Treasury. 20,000*l.* had been voted for erecting school-houses, but they served only to deceive the public into the belief that education was advancing, when it was really making but little progress. Let there be model and normal schools for the training of qualified teachers; let the central board not only determine the building of the schools, but superintend the training, and the ground would be laid for further improvement. The power of withholding pecuniary assistance would induce the schools which were mismanaged to be placed under the board. The plan was simple and feasible. An individual might waste a whole life in arguing with schoolmasters and schoolmistresses, and in

reasoning with governors, without changing the system in above half-a-dozen schools; but a central board would, in a short time, produce a change which would appear to be the effect of magic."

He hoped that he was not so far misunderstood as to charge the Committee of the Privy Council with any design of this nature. He had read the extract to show what power, in the estimation of some persons who wished to introduce a system of education which would entirely overthrow the National Church, would be in the hands of the Committee. If the persons who had written this had framed the Minute in Council, he could not see how it could have been framed more in accordance with their wishes; although, assuredly, if they had selected persons to execute the plan, they would not have selected the President of the Council and his colleagues to carry the scheme into execution. Such was the power which was lodged in the Committee, and which would officially pass to their successors, and if the plan were placed under other agencies. He would now take up the papers laid before their Lordships, with the view of showing that he had not in the slightest degree exaggerated the power thus conveyed to the Committee of the Privy Council, and which it was not possible to conceal might be used if the power were lodged in unsafe hands. In doing this he felt it necessary to go into the history of the education grants which had proceeded from the Government. He found from the papers laid before the House what was stated by Lord Althorp, the Chancellor of the Exchequer, when he moved that 20,000*l.* should be granted for the purpose of education. The terms of the resolution were exactly as he found them in the Treasury minute, from which he would read. He found that after the Lords of the Treasury had read the Act of the last Session, by which a sum of 20,000*l.* is granted to his Majesty to be issued in aid of private subscriptions for the erection of schools for the education of the children of the poorer classes in Great Britain, it was stated,

> "The Chancellor of the Exchequer feeling it absolutely necessary that certain fixed rules should be laid down by the Treasury for their guidance in this matter, so as to render this sum most generally useful for the purposes contemplated by the grant, submitted the arrangements for the consideration of the board."

That arrangement with which he need not trouble their Lordships in detail, provided, amongst other things—

> "That no portion of this sum be applied to any purpose whatever except for the erection of new school-houses; and that in the definition of a school-house the residence for masters or attendants be not included; that no application be entertained unless a sum be raised by private contribution equal at the least to one-half of the total estimated expenditure; and that no application be complied with unless upon the consideration of such a report, either from the National School Society, or the British and Foreign School Society, as shall satisfy this board that the case is one deserving of attention, and there is a reasonable expectation that the school may be permanently supported."

Now, they saw what were the resolutions proposed by the Chancellor of the Exchequer of that day, and which were liberally complied with by the Lords of the Treasury in the application of the grants. The Lords of the Treasury were by this minute absolved from all necessity; they were directed to apply the money between the two societies, who were in communication with all parties in the country, and who were able to say what schools were entitled to the grant, and there could be no misapplication whilst the board acted upon that principle. The next year the Lords of the Treasury resumed the consideration of the subject, and reported the number of schools which had been built during the first year—there were sixty-two schools erected, having 12,191 scholars, at a total expense of 19,380*l.*, the amount of 8,000*l.* and upwards having been appropriated towards that sum by the Lords of the Treasury. So far it appeared that the grants were of great advantage, even if they went no further than establishing sixty-two schools. And on their minute the Lords of the Treasury entered this:—

> "My Lords have the satisfaction of perceiving that there exists throughout Great Britain the utmost anxiety that the funds provided by Parliament for the purposes of education should be made generally useful, and that private charity and liberality so far from being checked, have been greatly stimulated and encouraged by reason of the public assistance afforded on the principles laid down in their minute of the 30th August, 1833."

It was truly said that these grants had greatly stimulated the exertions of private benefaction. But at this time the number of applications for schools had increased to that degree that the Lords of the Treasury were obliged to lay down a restriction, and to confine the grants to schools that should accommodate 400 scholars and upwards, and accordingly they applied the grants to the schools in connection with the National Society, and with the British and Foreign School Society, upon that principle, for upon that principle alone would they be enabled to make the sum meet the demands. The number of scholars to be accommodated in the schools then applying for assistance in connection with the National Society was 10,674, and in connection with the British and Foreign School Society 7,500: and the Lords of the Treasury were so much satisfied with the distribution thus made, that they recommended a further grant of 20,000*l.* These grants were made in succeeding years, and were applied on the same principle; and on the 5th July, 1838, the Chancellor of the Exchequer submitted to the board

> "The expediency of procuring and laying before Parliament more specific and detailed information than had been as yet obtained with respect to the schools, towards the erection of which grants had been made by the public. For this purpose it appeared to him that the National, and British and Foreign School Society, should be invited to direct an inspection to be made of the several schools which they had recommended to this board, and for the erection of which grants had been appropriated out of the parliamentary votes."

Another suggestion at the same time which the Chancellor of the Exchequer recommended was the erection of a "model school," to which, as considered by itself, there could be no objection, but would meet with general approbation. The Chancellor of the Exchequer suggested

> "That in considering the number of new schools which had been assisted by the parliamentary grant, as well as the schools which were previously in existence, it appeared to him that the erection of model schools for the instruction of teachers by both societies would greatly tend to add to the efficiency of their several establishments; and that it was therefore expedient that the respective committees should be called upon, if they concurred in this opinion, to take steps for such purpose. Towards this object public aid might advantageously be directed; provided a suitable plan for carrying these intentions into effect were submitted to the Treasury, and approved of;"

but then it was

> "provided that the principle of private contribution, already laid down and carried into effect by previous minutes of this board, should be strictly adhered to."

And the Chancellor of the Exchequer proceeded to recommend, that

> "these two important and pressing questions should without delay be brought under the notice of the National and British and Foreign School Societies, in order that their opinion might be expressed, and if those opinions were favourable to these proposals, that they should be carried into early and practical effect."

He knew that there was no occasion to proceed further with this than to point out to their Lordships that, on the 5th July, 1838, it was the opinion of the Chancellor of the Exchequer that the principle of private contributions should be adhered to, and that reference should be made to the National Society and to the British and Foreign School Society, with respect to the erection of a model school. He now came to another era. He would not delay the House by referring to the papers relating to the letter addressed by the Secretary of State for the Home Department to the Lords of the Treasury, or of their answer thereto, because he understood that the plan suggested had been superseded by the subsequent proceedings. The order appointing the Committee of Privy Council, however, superseded the Board of Treasury. He did not know that the Committee of Privy Council would not answer as well as the Lords of the Treasury, who had so much on their hands. But he must say that the Committee of Privy Council was empowered to do a little more than the Lords of the Treasury. The Board of the Treasury could only receive applications from two societies, and determine upon them, and three or four of the members of the Board had sufficient occupation to prevent their having time to examine the different claims made to the two societies. The Lords of the Treasury had been superseded, and an appointment had been made of a Committee of the Privy Council, consisting exclusively of her Majesty's Ministers. That selection had been made without any regard to the fitness of the Members; he did not say that they were unfit; the selection was made without any regard to their fitness, but merely on account of the official situation which they held; and if the noble Lords retired to-morrow, their successors coming to the same places would take upon themselves this duty. When he considered that this was the foundation of a permanent scheme, it was singular that neither of the two Archbishops nor the one Bishop belonging to the Church, who were members of the Privy Council, should have been appointed. It might have been expected that the Government would have consulted such of the Bishops as were members of the Privy Council, and the only reason he knew why they were not consulted was, that their consent to the scheme never would have been obtained. But that was not a reason to satisfy the country, and it never would be. When these eminent persons were appointed, they drew up certain minutes. On the 13th of April, 1839, a scheme for the future guidance of the Committee was read. In the first place they proposed to found a school, in which candidates for the office of teacher in schools for the poorer classes might acquire the knowledge necessary to the exercise of their future profession, and might be practised in the most approved methods of religious and moral training and instruction. This school was to include a model school, in which children of all ages from three to fourteen might be taught and trained in sufficient numbers to form an infant school, as well as schools for children above seven. If a model school meant anything, it of course meant a model for all the schools throughout the country. Then came a most remarkable article. It related to religious instruction which was brought very prominently forward; and certainly the country would hear of nothing respecting national education in which religious instruction was not provided for. The subject, therefore, was in itself very properly brought forward; but as to the mode in which religious instruction was to be given, he could not say so much. Religious instruction, it seemed, was to be considered as general and special. He really did not know how to explain this. There was, he recollected, a passage in one of the reports on prisons complaining that convicts in gaols were not instructed in the truths of natural and revealed religion. Now, he supposed that general instruction referred to natural religion, and that revealed religion was what was meant by special. [A noble Lord "*No.*"] The noble Lord said "no." He would not say it was; but that was the most natural interpretation he could put upon the language. He wished the noble Lord would state what was meant by general instruction in the truths of revealed religion? What was it but the teaching of the peculiar truths of religion. In fact the whole of Christianity consisted of peculiar truths—truths, many of which were certainly contested by various denominations of Christians, but which must be acknowledged by those who would be esteemed as orthodox in the faith taught in the primitive ages of Christianity. He would not, however, go into an examination of what those truths were; but this he would say, that there was no such thing as instruction in Christianity without instruction in those peculiar truths. But to revert again to the minute of the Committee:—Periods were to be set apart for such peculiar doctrinal instruction as might be required for the religious training of the children. He had read, not many months ago, a report that in some parts of Germany, the attempt at combining religious instruction of different creeds with secular instruction, in the same school, had been abandoned, it being found impossible to conduct such a plan with satisfaction to any party. Different schools had been since established for the different persuasions of Catholics and Protestants, and the reason assigned for this appeared to be a very sound one; namely, that it was wrong to teach one set of children certain doctrines as true in one part of the schoolroom, and another set of children in another corner of the room that those doctrines were false. In a German publication, which he believed had not yet been translated into the English language, he had read a report of a person who had been sent to inspect the style and system of education adopted in different parts of Germany and France. The writer stated, that in some of the German states they had schools which comprehended children of all denominations, and even Jews; but that the persons intrusted with the care of those schools had protested strongly against such a measure, and that the inconvenience arising from it had been such, that alterations had been made in many instances. Their Lordships must at once feel how great would be the confusion introduced into the schools proposed to be established here if religious teachers of various denominations were to be admitted. The chaplain, who according to the scheme was to be appointed to conduct the religious instruction of children whose parents or guardians belonged to the Established Church would find it very difficult to maintain his authority if the parent or natural guardian of any other child were to be permitted to secure the attendance of the licensed minister of his own persuasion, at the period appointed for special religious instruction, in order to give such instruction apart. What confusion, too, would such a system produce in the minds of the children themselves! It was essential to the teaching of religion, that it should be taught with authority. Teachers did not appeal to the reason of the child, but taught him on authority. They said, such and such is the truth; such and such is the law of God; such and such is the rule of morality; and the child received it, as children receive all instruction, implicitly. If he were, at the same time told, that there are six or eight different opinions upon those truths, laws, and rules, to what can it possibly lead but to scepticism; to a rejection of all religion, or to an indifference to any? It must end in a rejection of the spiritual doctrines of religion from a conviction, that they are not true, and in a rejection of its moral precepts when it suits the convenience of the learner to suppose they are without any sanction. It was very true, that this scheme was not adopted. These resolutions of the Committee of Council were superseded by the report of the 1st of June, which was presented to and approved by her Majesty in Council. He had, however, felt it right to make these observations upon the original scheme preparatory to any remarks he should feel it his duty to make on the Order in Council, dated the 3rd of June, approving of the report of the Education Committtee, dated the 1st of June. He did not think the opinions of the Members of the committee, as expressed in the scheme they first laid down, were at all superseded by the subsequent report and Order in Council. The Order in Council set forth the report of the committee in these terms:—

"The Lords of the Committee recommend, that the sum of ten thousand pounds, granted by Parliament in 1835, towards the erection of normal or model schools, be given in equal proportions to the National Society and the British and Foreign School Society. That the remainder of the subsequent grants of the years 1837 and 1838, yet unappropriated, and any grant that may be voted in the present year, be chiefly applied in aid of subscriptions for building, and, in particular cases, for the support of schools connected with those societies; but that the rule hitherto adopted, of making a grant to those places where the largest proportion is subscribed, be not invariably adhered to, should application be made from very poor and populous districts, where subscriptions to a sufficient amount cannot be obtained."

It might be very proper to make grants without adhering to the rule about the proportion of the contribution; but this point was stated so loosely, that there was no guarantee whatever for the propriety of those grants in particular cases. For

"The Committee do not feel themselves precluded from making grants in particular cases which shall appear to them to call for the aid of Government, although the applications may not come from either of the two mentioned societies."

By this the restriction which originally accompanied the grant was entirely removed; and certainly relieved the Lords of the Treasury from any responsibility in making these grants, giving the committee a discretionary power. The committee then repeated their opinion;

"The Committee are of opinion, that the most useful application of any sums voted by Parliament would consist in the employment of those moneys in the establishment of a normal school, under the direction of the State, and not placed under the management of a voluntary society."

(Thus these two societies were completely lost sight of.) But the Committee state

"That they have experienced so much difficulty in reconciling conflicting views respecting the provisions which they are desirous to make in furtherance of your Majesty's wish, that the children and teachers instructed in this school should be duly trained in the principles of the Christian religion, while the rights of conscience should be respected, that it is not in the power of the Committee to mature a plan for the accomplishment of this design without further consideration, and they therefore postpone taking any steps for this purpose until greater concurrence of opinion is found to prevail."

He would appeal to their Lordships, whether a very large and undefined discretion was not thus left to the committee, which he did not say would be abused, but which might be very grossly abused. He could not, when considering the extent of this discretionary power, wonder that the established clergy, the great portion of the Protestant Dissenters, and indeed all who had the interest of religion at heart, should feel alarmed at this enormous power being given to the committee, more especially when they connected it with what followed; for

> "The Committee recommend that no further grant be made now or hereafter for the establishment or support of normal schools, or of any other schools, unless the right of inspection be retained, in order to secure a conformity to the regulations and discipline established in the several schools, with such improvements as may from time to time be suggested by the committee."

A great portion of the people of this country were of opinion (and he must say he agreed with them), that a power was thus conferred upon the committee which ought not to be entrusted in the hands of any number of men, and certainly not to men who were exclusively members of her Majesty's Government. What security had they that, in process of time, these grants would not be made from political motives, or in favour of prejudices and predilections? They knew not how many circumstances might arise to affect the minds of the successors of the present committee. He concurred in these apprehensions and fears, which became stronger when he considered the whole of the scheme—when he recollected with what deliberate intention their Lordships had been excluded from having the slightest concern in the regulation of a matter so immediately bearing upon the best interests of the people, upon their religious education, and their moral training. Was not a subject of this kind proper for Parliamentary discussion? Was it fit that it should be disposed of by only one branch of the Legislature? Were their Lordships, many of whom had particularly directed their attention to the subject, and all of whom were qualified to judge of it, were they to be shut out from all participation in regulations of this description? Was it consistent with the respect which was due to this branch of the Legislature? Was it consistent with the respect due to the Lords spiritual and temporal, that the only assembly in which the Church had a voice should not be heard at all upon such an important subject? He did not mean to say, that the influence of the Church was not great elsewhere; but at the same time their Lordships' House was the only place in which the Church was represented at all by her ministers. He was sure that their Lordships, whatever might be their political sentiments, would agree with him in this; that the moral and religious instruction of the great mass of the people of this country was a subject peculiarly belonging to the clergy of the Established Church; that the Sovereign was the head of the Church, and bound by the most sacred obligations to the maintenance of its authority; that all the advisers of the Sovereign were under the same obligation not to advise her Majesty to anything that could be prejudicial to the Church, and that, if they did so, they would be acting in violation of a most sacred duty, and most unconstitutionally; and he would further add, considering the connection of the Church with the State, they would also be acting with the greatest impolicy with respect to the true interests of the people, whom they would hardly venture to say, could be better instructed than by the ministers of the Established Church. If (said the most rev. Prelate) the Church does not teach the true doctrines of our holy religion—if it does not inculcate the purest morals—if it does not insist upon obedience to the laws and the authorities of the country—upon loyalty to the Sovereign and the performance of every Christian duty—I say, my Lords, it is utterly unworthy of your support. Look to some other source of moral and religious instruction, and cast away a Church which is so grossly deficient in its duty, or fails in attaining that object, for the attainment of which all religious establishments are formed. Again, I say, if such be the case, let us look elsewhere. But since that cannot be said, it is, I assert, the duty of the Crown—it is the duty of the Government, to advise no measures which shall be to the prejudice of the Church. I do not mean prejudicially interfering with its temporalities, but which shall diminish its salutary influence over the people; and that, in the distribution of the public money for the encouragement of religion, their first object ought to be to maintain and extend the religion of the State; that religion, which, by the instruction it imparts, combines the great majority of the people of this country with the vast establishment which is responsible to the State for the proper performance of its duties. When public money was granted for religious purposes, that, I say, ought to be the primary object of the Government. He did not mean to say that all assistance should be withheld from the dissenters. But whatever was done with respect to religious instruction, ought to be free from all party or political considerations; and those sums which were given, not to the just claims of the Dissenters, but in such a shape as to promote dissent, were not given consistently with the support which the State was bound to give to the Established Church of this country. He conceived that making such grants had a tendency to promote religious dissent, which was in itself a great evil, and cherished much misunderstanding among the people, and who must understand one another better before they could agree in their religious tenets. At the same time, he did not wish to be understood to say, that a certain degree of consideration was not due to the Dissenters. He had a great respect for those who religiously dissented. For political dissent, he must say, he had no respect whatever. Its objects were not religious. But, while he said that due consideration ought to be paid to the claims of the dissenters, he still maintained, that the distribution of those funds, and the management of all other matters connected with the very important subject of the religious instruction of the people ought to be decided by the united voice of Parliament, that no measure ought to be resorted to that excluded their Lordships from a share in the deliberations; and that he was convinced the people of this country would look with more confidence at any measure having the support of their Lordships, than to that which was only supported by one branch of the Legislature, a branch of which he was not inclined to speak with disrepect, and which was, perhaps, in its character, the most popular branch of the Legislature. The most reverend Prelate then concluded by moving the first of the following resolutions, stating, that after the first was carried, he should move the others seriatim,

"That this House has had under its consideration the various documents which have been presented by her Majesty's commands respecting public education, including those which refer to the application of public money in former years in aid of the building of school-houses in connection with the National Society and the British and Foreign School Society; and also the letters of the Secretary of State and the President of the Council the 4th, 6th, and 9th of February respectively; the Order in Council of the 10th of April, appointing a Committee of Council; the minutes of proceedings of that Committee of the 13th of April; and the report of the same Committee of the 3rd of June.

"2. That it appears, from the documents last mentioned, that a Committee of Council has been appointed, consisting exclusively of Members of her Majesty's Government, for the purpose of considering all matters affecting the education of the people, and of superintending the application of any sums which may be voted by Parliament for that purpose.

"That on the 13th of April last it was proposed by such Committee to establish a model school, which might serve as an example for other schools, and a normal school, in which a body of schoolmasters might be formed competent to assume the management of similar institutions in all parts of the country.

"3. It appears, by the report of the Committee, approved by her Majesty in Council on the 3rd of June, that the Committee is empowered to retain the right of inspection, in order to secure a conformity with such regulations as they may approve of for the management and discipline of all schools to which aid may be granted; and to make grants of public money to any schools which may appear to them to require such aid, irrespectively to the religious doctrines which may be inculcated in such schools.

"4. That it appears to this House, that the powers thus intrusted to the Committee of Council are so important in their bearing upon the moral and religious education of the people of this country, and upon the proper duties and functions of the Established Church, and at the same time so capable of progressive and indefinite extension, that they ought not to be committed to any public authority without the consent of Parliament.

"5. That it appears to this House, that the particular scheme of education set forth in the Minutes of the Committee of Council of the 13th April is open to grave objection with reference to the arrangements made for the religious instruction of children, to the use within the school of any other than the authorised version of the Scriptures, and to many other important details; and although it is stated in the report of the Committee of Council of the 3rd of June, that it is not in the power of the Committee to mature a plan for the formation of a normal school without further consideration, and that they therefore postpone taking any steps for the purpose until greater concurrence of opinion is found to prevail, yet the report gives no assurance that the scheme approved by the Committee on the 13th of April may not be hereafter carried into execution at the discretion of the Committee.

"6. That, under these circumstances, this

House considers itself bound by the obligations of public duty to present an humble address to her Majesty, conveying to her Majesty the resolutions into which it has entered, and humbly praying, that her Majesty will be graciously pleased to give directions that no steps shall be taken with respect to the establishment or foundation of any plan for the general education of the people of this country without giving to this House, as one branch of the Legislature, an opportunity of fully considering a measure of such deep importance to the highest interests of the community."

The Marquess of *Lansdowne:* in the situation which I have the honour to hold, as one of that Committee recently appointed by her Majesty, which was the subject of the speech of the most rev. Prelate, and having been appointed upon that Committee, as the most rev. Prelate has said, (and that not in a manner in the least degree uncourteous), in reference probably, not so much to any peculiar fitness for the task, as to my political character as President of the Council, the rules of which made it almost indispensable that I should be a Member of all its Committees — your Lordships will not think it unnatural that I should, in that early stage, offer myself to your Lordships' attention. When the most rev. Prelate gave notice of the motion which he was about to submit to your Lordships, I listened to it with great anxiety — an anxiety combined in some respect with concern, inasmuch as it appeared to imply that the most rev. Prelate disapproved of the proceedings instituted by her Majesty's Council, but an anxiety also in some degree mingled with satisfaction, inasmuch as it insured my hearing, and what is far more important, the House and the public hearing, from the most rev. Prelate a distinct statement of the objections entertained to those proceedings, freed from all that gross exaggeration of language, and that unexampled licence of misrepresentation which have distinguished the proceedings held out of doors, and which have undoubtedly produced a great and widely-spread deception on the minds of a great part of the people. I have not been disappointed in my expectations, for although there remains much misapprehension leading, unintentionally no doubt, to some misrepresentation, as I hope to show in what the most rev. Prelate has stated as the foundation of his objections to this plan, yet they have been stated in a manner of which neither I nor any man has any reason to complain. I will add, too, that in many parts of the most rev. Prelate's speech, sentiments are expressed, which it gave me great satisfaction to hear, and great pleasure to have recorded on this subject. The most rev. Prelate has adverted to opinions which have been expressed out of doors—opinions in which the most rev. Prelate in a great degree concurs—with respect to the connection which ought to exist between the Church of England, and the general education of the people in this country. From the manner in which those opinions have been stated out of doors, I had been led to differ greatly from them; but as stated by the most rev. Prelate in this House tonight, I in part agree with them. No person can feel in a greater degree than I do, that it is the duty of the Established Church of this country to take charge of the religious education of all those who belong to that Church. I hope to see the care of the Church, constantly, vigorously, and successfully extended to all that portion of the people. But when I see it stated at public meetings and elsewhere, that the clergy of the Church of England are charged, and ought to be charged with the exclusive religious education of the public at large, I must respectfully seek an explanation from the most rev. Prelate (I have obtained it in some degree from his speech, which I hope I have correctly understood), but I have a right to ask distinctly, whether he holds that the Church of England in this country has a right to educate, and ought to exercise the right of educating, the public at large, to the exclusion of all other teachers (for such was the ambiguous phrase employed in one of the resolutions of a large public meeting), including that portion of the public—no inconsiderable portion unfortunately, but amounting, I am afraid, to millions in this country, who are not the members of that Church. There are some preliminary points such as this upon which it is indispensable before recording an opinion as to the propriety of making any grant, or taking any step upon this subject, that we should form a distinct opinion. One point is, whether the claim of the Church to give religious instruction extends beyond the pale of the Church itself. I understand the most rev. Prelate to say distinctly not, and that the Church does not claim a right to instruct the whole people, but only that portion of them which belongs to the Church. There is another point also upon which it is most essential that our views should be distinctly stated before we proceed to the consideration of these important questions. It is this—whether it be conceived by any of the right rev. Prelates, or by any Member of their Lordships' House, that the claim of the Church of England extends not only to the right of controlling the religious instructions of the people of this country, but to the right of controlling their secular instruction. Because, before your Lordships know how to proceed, or what direction to give to the grants which have been made, or what assistance you are inclined to afford to the great object of educating the people of this country, it becomes necessary for us to know whether we are not bound to go beyond what the Church has done, or can do, in the way of secular instruction, combining it always with religious instruction, taking care that the last shall be carefully and constantly administered, but also taking care on behalf of the State, that the secular instruction shall be of the best possible quality that can be found; ever uniting with it every new practical discovery that can be brought into operation, for the improvement and cultivation of the minds of the people of this country. It is indispensable to come to an understanding upon these points. It is also indispensable to come to an understanding, if the Church does not take the religious instruction of those large masses of the population under its superintendence, which do not belong to the Church—it is indispensable, I say, to come to an understanding, whether, under such circumstances, it may not be becoming and useful in the State—nay, whether it be not the duty of the State—rather to lend than to withhold its countenance and aid from the education and consequent well-being of these particular classes of the community, whose numbers and whose position in society are such, as constantly to act upon the safety and condition of the whole community. I have heard upon another occasion, a right rev. Prelate of great eminence state that he would give no opinion upon this subject; but I am disposed to understand, from what has fallen from the most rev. Prelate this evening, that the most rev. Prelate entertains an opinion, and I have the satisfaction of believing a favourable opinion, as to the propriety of making, under certain circumstances, grants of public money for the purpose of giving a secular education to those who do not belong to the Church. Individual Prelates, and Members of the House may think proper to withhold an opinion on this subject, but Parliament must virtually pronounce an opinion, because it must act on that opinion. It is necessary that the sense of Parliament should be distinctly declared, as to whether it agrees or does not agree with the proposition which I understand to have received the concurrence of the most rev. Prelate—namely, that grants, under special circumstances, should be made for the purposes alluded to. If that opinion were once specifically declared, Parliament would know how to proceed; but if, on the contrary, Parliament is prepared now to lay down the maxim (maintaining what I have heard in some places called a state conscience on the subject) that, having once chosen and selected from the unceasing conflicts of different religious opinions one particular and strict rule of faith, therefore it thinks it irreconcileable with its duty—having pronounced that particular rule of faith to be the best—to grant any aid or to afford any assistance, under any circumstances, to those portions of its fellow subjects who entertain what it may conceive to be more or less grave errors upon the subject of religion, but who, nevertheless, are members of the one great Christian Church—if Parliament were prepared to adopt that opinion, and to withdraw from the dissenting bodies throughout the kingdom all countenance and support, I must undoubtedly admit, not only that Parliament cannot proceed with the very limited amount of possible assistance that may be granted to that class of persons under the proceeding which has met with the sanction of the Privy Council; but that there is not one year that has passed in the course of the last twenty, in which their Lordships would not have Acts of Parliament to recall, and systems of policy to remodel—Acts passed under the responsibility of different Administrations, carried with the sanction and approbation of various and different Parliaments, which, upon other bases than those now advanced, have thought it the duty of the State to provide for the education—first, of the members of its own establishment, but not to overlook the interests (interests in which the welfare of the public is bound up) of those particular classes who may be good subjects of the State, although not fortunately brought within the particular pale which has the sanction of the law, and, if their Lordships think proper, so to express it, the sanction of their Lordships' conscience.

Before I sit down, I will point out case after case, in which every Government, including almost every individual who has ever been a Member of any of the recent Ministries, and having now a seat in that House, has acted upon the principle I have stated. If, indeed, their Lordships are disposed to act upon the opposite principle, there is an end at once to all discussion upon the subject; and then their Lordships and the other House of Parliament will only have to place in the hands of the prelates of the Church of England—if, indeed, the other House could be induced to vote any money under such circumstances —so much money as they may think proper to allot for the improvement of education, carefully limiting, and entailing that education upon the members of the Established Church; and having done that, to relieve themselves of all further care upon the subject. But I have a right to assume until I see all those votes recalled —votes which have proceeded upon the principle I have alluded to—votes which have not rejected the claims of any numerous and well-conducted portion of the subjects of the State, even in its remotest dependencies, be their form of Christianity what it may—until those votes are recalled, I have a right to assume that such is the principle upon which Parliament is disposed to act, and that the degree to which the assistance is to be given is the only fair question now open for the consideration of the Legislature. I have heard statements from the most rev. Prelate with regard to the present state of education in this country, which as far as they go, tend to show that in his opinion it is in a more favourable and more satisfactory condition than I think many are disposed to admit; but the most rev. Prelate did not venture to state, that the state of education in this country is in as satisfactory condition—in as advanced condition—as it is in other countries of Europe. On the contrary, the most rev. Prelate admitted that there exists a deficiency in the education of the people of this country which calls for the attention of every good man—of every religious man—and especially of the Government and State. I believe, that that which is the opinion of every intelligent and enquiring person in the country will derive very great confirmation from a comparison with the progressive state of education in other parts of the world, and more especially in those parts with which we should most naturally compare ourselves, namely, the central nations of Europe. I believe, that during the twenty or thirty years that have elapsed since the general peace, there is no enlightened government in Europe that has not made the improvement of the education of the people one of the objects of its most earnest solicitude. It has been done by all governments—monarchical, constitutional, and republican—which have shown any enlightened regard to the interests of their subjects; and it has been going on from year to year with increased activity and increased success. It is quite true, as the most rev. Prelate has stated, that there is, in this country, a very great difficulty in procuring accurate returns of the actual state of education in all the different parts of the kingdom; but, as far as any approach to truth can be made upon the subject, I believe, that England at this moment, in point of general education, is far behind Germany, far behind Switzerland, I am almost inclined to believe (but of that I am less certain) it is behind France; but especially and certainly it is far, very far, behind Holland. I believe, that if a scale of education were constructed, it would be found, that popular education has in one or two of the central states of Europe reached its actual maximum, and that the number of children (or those who required to be educated) who are there educated, is one in every five or six children throughout the country. This is particularly the case in the kingdom of Wurtemberg, and in one of the cantons of Switzerland; and extensive education prevails in other parts of Germany. In short, excluding Spain and Russia, and taking only the central states of Europe, England would come last in the scale, both as to the quantity and the quality of its secular education. While the educated in Wurtemberg are one in every five or six, the proportion in England is one to every eleven or twelve of the entire population. I believe, too, that greater care is exerted abroad to train the schoolmasters in normal schools, and I am happy to have the testimony of the most rev. Prelate on this point, when he states that normal or training schools form one of the most important and valuable parts of any system of education that can be attempted to be carried into effect among a people. If this be the case, by the bye, the Government were not so far wrong in proposing to direct their first effort to the establishment of a normal school, and I am glad to hear this opinion of the most rev. Prelate, although the most rev. Prelate might consider the arrangements for that purpose open to objection. To shew the extent to which this part of the subject is attended to in other countries, I may mention that in Prussia, there are thirty or forty schools for training masters, several in Holland, and in Saxony nine—seven or eight in Bavaria, while England has not one. I will not specify more examples. I will only say, that from all I can learn, the character of the education given to the people is lower here than in any part of central Europe. There are no means, as I have already stated, afforded by any machinery at the command of Government of collecting perfectly accurate data in this country; but whenever, by the chance of events, the means are afforded of ascertaining the state and quality of education in any particular district, whenever we have been able to heave the lead, and sound the depths of society most remote from ordinary observation,—there is brought up suddenly to view an amount of ignorance—an absence of every thing that can be called general education, dangerous to the whole fabric of the State, and disgraceful to the character of a great country. With respect to the agricultural districts, it is only accidentally that their particular state has been opened up, and the extent of ignorance, and of bad habits engendered by ignorance among the rural population laid bare. Scarce a year has elapsed since, in a part of the country near London, where schools were supposed to exist, or were described as existing in the returns, within reach of those influences which might be expected to be most salutary—I mean the county of Kent—there has been an exhibition of folly, of credulity, of absence of all instruction, of ignorance of all true religion, of the total want of all knowledge that enables men to judge of right and wrong, to determine between the probable and the improbable, which has exposed the simple and untaught population to become the ready dupes of one of the most absurd and ignorant fanatics that ever ventured to practise upon the credulity of the multitude. I need scarcely remind your Lordships, that in a part of the country where a certain portion of the inhabitants were receiving an imperfect education, this person, whom you will all recollect by the name of Thom, succeeded in the course of a short time in inducing the people to receive him first in the character of one of the Messrs. Rothschild, next in that of the king of Jerusalem, then in that of Earl of Devon; and finally, I am sorry to say, in that of the sacred character of Saviour of Mankind; and in all these successive characters, but more especially in the last, he was implicitly believed and blindly followed by the greater proportion of the whole population of three or four parishes. So little did the imperfect system of education which existed in that district contribute to check the influence and authority of this individual, that of the few day schools which existed there, one had been kept by a person who was enrolled among his most devoted followers, and afterwards by the wife of a person who was also his follower, and another was kept by the wife of a person who was also one of his most devoted followers. It is vain to indulge in the opinion that such a state of things is peculiar, and that there are not many of the agricultural districts in which the inhabitants are quite as ignorant, and liable to be deluded. Kent is not singular in its ignorance. A recent inquiry into the state of parts of a very populous district of Warwickshire, has afforded results, no less striking, and there are parts of the West of England within reach of my own observation, where I must say, it would only require the appearance of another Thom to give rise to a similar exhibition of fanaticism. This is my own belief, and it must also be that of all your Lordships who have informed yourselves on the subject. Efforts I know have been made to supply the existing deficiency on the part of the Church by many enlightened and benevolent individuals, but efforts as far as they have gone hitherto, wholly unequal to dispel this extraordinary amount of ignorance. But if such be the state of the agricultural districts, with how much more of alarm—with how much more of concern—ought the attention of the Legislature to be directed to those great manufacturing classes whom it is the nature of our social system to accumulate, but for whom, unhappily, it has not hitherto been a part of our social system to provide the means of education! Upon this point also, the statistical details are exceedingly imperfect; but owing to the pains taken by particular individuals in Manchester, Leeds, York, and other great towns, particularly in the North of England, there has been revealed an amount of ignorance most disgraceful to a civilized nation. It is shewn, that in four of the great manufacturing towns there are 80,000 children growing up without the shadow of education, and that of the grown up population of Manchester, and the surrounding places, there is only something like the proportion of one-fourth that can either read or write, the remainder being in that condition of hopeless ignorance, which prepares the way for those ebullitions of passion which are the result of ignorance, and which threaten the peace and security of society. The experience of the last year or two conveys some fearful lessons as to the effects of ignorance on the passions of uneducated men. Your Lordships have seen what these pent up feelings of ignorance are capable of doing when any portentous occurrence, loosening and setting them free from their obscure abode, sends forth these elements of mischief from the dark caverns in which they dwelt, to scare the face of day, shaking the foundations of society, and shocking the world with their mis-shapen and hideous forms. There is no supernatural being on whom your Lordships can rely to stay the progress of this evil, to allay the coming dangers—dangers already blackening the horizon.—You can rely upon no other commanding and beneficent spirit, but the diffusion of sound, moral, and religious instruction.

> "Celsà sedet Æolus arce,
> Sceptra tenens: mollitque animos et temperat iras.
> Ni faciat, maria ac terras cœlumque profundum
> Quippe ferant rapidi secum, verrantque per auras.'

In the 80,000 uninstructed children now growing out of infancy, as it appeared in three or four only of the great towns of the north without any creed, if it were not a farce to talk of creeds in connexion with persons so ignorant, your Lordships may see the rising Chartists of the next age. I declare to this House and to the public of this country, that if they neglect to supply that instruction which is so loudly called for, and to supply it in a proportion increasing with the increase of population, they may repress the excesses of untaught violence by penal laws, but they will have no right to acquit themselves of the guilt of having neglected to lead those misguided men into the way in which they should go, and make them useful, respectable, and orderly members of society. It is evident from all the information we can obtain upon the subject, that the state of education throughout the country is such as to call for the interference of Parliament. Then arises the question of how the interference of Parliament is to be made. Thus the question is reduced to a comparatively small compass, and all that is left to Parliament to determine, is the channel through which the influence of Government should be exerted in aid of the moral reformation and improvement of the people. So far as I have hitherto gone in the consideration of the various topics pertaining to this subject, I am happy to think, that I have had what appears to be the assent of your Lordships, and the assent, too of the most rev. Prelate, and the right rev. Prelates beside him. I have obtained, I think, their assent to my positions, that the Church has imposed on it, the duty of attending to the religious education of its own members, and has no right to claim to superintend the religious education of those who were not comprehended within its pale; that there are in this country thousands or millions of men who are not members of the Church of England, but who contribute their quota to the general taxation, and are represented in the other House of Parliament; and who, therefore, have a just claim to share in the benefit of any grant which might be made from the general fund for the purposes of general education. Thus I am led to the conclusion, first that it is the duty of Parliament and of the Government to interfere for the purpose of extending and improving the general system of education; and, secondly, that it is the duty of Parliament to interfere in such a way as, leaving to the Church an uninterrupted sway over the religious education of its own members, shall still respect the rights and consciences of those other sections of the community who are not in communion with the Church, and should extend to them in common with the members of the Establishment, the advantage of an improved system of education. I think that the most rev. Prelate has admitted something like this — I think that the most rev. Prelate has made some admission in favour of the Protestant dissenter, and most gracefully the admission fell from his lips. I could have wished, however, that the most rev. Prelate had not drawn a distinction between one class of Dissenters and another, who both rest their dissent on the dictates of conscience—[*A noble Lord*—The most rev. Prelate spoke of Dissenters—] Exactly. The most rev. Prelate's allusion to the Dissenters has been doubtless inspired by a liberal feeling, but yet the most rev. Prelate has drawn a distinction of a somewhat invidious character, between political and religious Dissenters. What is it, I must ask, that establishes any such distinction? What right has the most rev. Prelate to tell any man that his religious opinions are determined by considerations of politics, and not of conscience? Has the Dissenter a right to come into this House and look round its benches, not excepting the right rev. bench itself, and say, "So many here are political Churchmen, so many are religious?" On behalf of every one of the Queen's subjects, I claim the right of forming his own opinion, of expressing that opinion, and adhering to his own religious faith, without being subject to the censure of any other man of another religion for the motives which have actuated him. It would be most inconvenient to draw such distinctions, and I think, that on consideration, the most rev. Prelate will retract the expression, perhaps inadvertently used and but for which the opinion he has expressed respecting Dissenters would do honour to his high character and to the station which he holds. I come now to consider the manner in which the authority of the State should be exerted in furtherance of education, and this brings me to the particular consideration of the motion of the most rev. Prelate, in reference to the Order of Council which has been laid on the Table, and which has excited so much animadversion. I feel, in adverting to the objections which have been made to that document, with great respect to the most rev Prelate, that I must borrow the aid of the most rev. Prelate's magnifying glass to be able to handle them, and to discern with any plainness the grounds on which they rest. In the first place, I must say, that the most rev. Prelate's motion, though professing to be drawn from the document on the Table, and to be a recital of facts, is unintentionally, no doubt, on the most rev. Prelate's part, an incorrect statement of the facts. In the second resolution their Lordships are invited to declare:—

> "That it appears, from the documents last mentioned, that a committee of council has been appointed, consisting exclusively of members of her Majesty's Government, for the purpose of considering all matters affecting the education of the people, and of superintending the application of any sums which may be voted by Parliament for that purpose."

Now where, I ask, does the most rev. Prelate find this information? It is not in the order of council. I will tell the most rev. Prelate where he has found the latter part of his resolution, or rather where it has been found for him, for I am sure that the candour which always marks the most rev. Prelate's conduct would not have allowed him to insert the words if he had found them himself. They were contained in a letter of Lord John Russell's, and have been transferred from that letter to the order of council, which the most rev. Prelate affirmed to be the order appointing the committee. The words are not to be found in the order of council, but in a letter written long before the order was made, and in the interim, when the propriety of appointing the committee of her Majesty's Ministers came to be considered, it struck me, that the words were of too vague a character, liable to be misinterpreted, and involving the committee in a scope of action too wide for such a body. The advice I had the honour of giving to her Majesty on this occasion was, to confine the functions of the committee to superintending the distribution of the grants made by Parliament. Those words, therefore, "all matters affecting the education of the people," were purposely omitted in the order. Is it then fair, is it just, for the sake of raising an argument against the order in council, to ascribe to it a proposition, which not only does not form a part of it, but which has carefully and scrupulously been excluded from it. Confining the order in council to that which it really contains, I would ask the most rev. Prelate candidly to declare to me what difference there is between the appointment of three or four of her Majesty's responsible servants, including the Chancellor of the Exchequer, to superintend the distribution of the money voted by the other House, and the leaving the distribution of that money to the Chancellor of the Exchequer alone. I am ready to admit, that if a board had been established by Act of Parliament to take into consideration the whole subject of education, one of the first things would have been to place one or more of the right reverend bench upon that board. But, at the same time, it cannot escape your Lordships' attention, and the attention of the right reverend bench, that the moment that was done, the money that was voted for the purpose of education being the money of the whole nation being the money of the three millions, or four millions of persons who are separated from the church, as well as the money of the members of the establishment—the moment that that was done—the moment that one of the right rev. bench was placed upon the board, a claim would immediately arise to place some dissenter upon it also. Does the most rev. Prelate think that this would have advanced the cause of education, does he think that it would not have given rise to many differences and to great difficulties? The Crown pursued a different course. Instead of leaving the duty to one Minister assisted by a secretary and one or two clerks, it is now intrusted to two or more responsible Ministers of the Crown. These Ministers I need not say are annually accountable to Parliament, and if in any one instance the public money is proved to have been misapplied, it will be easy for Parliament to rescind the resolution of the committee of Council. Anything like a permanent settlement of every thing connected with a question like the present I have not yet seen attempted either in this or in the other House of Parliament. When I state that it would be an attempt made in a case, delicate in the extreme, surrounded by difficulties on every side, imposed upon the Government and the public with a full sense of all the obstacles which political and religious feeling would oppose to their progress, I think that I have said enough to show that a permanent settlement is at present quite out of the question; and if there be anything more than another to recommend the present arrangement, it is this, that it is of a temporary nature, that it can be modified at pleasure, that it can be revised at any moment, and that it can be enlarged on any future occasion if it shall be found to work well for the benefit and improvement of the people. So much for the objection against this plan, founded on the fact that a temporary committee of the Privy Council is to distribute the funds granted by Parliament. But then comes another objection, that a certain change has been made in the usual Parliamentary grant, of which no notice has been given. But in what does the different constitution of the grant consist? Why, the persons undertaking the distribution of these funds promise that the two establishments already in existence for providing education being considered in a peculiarly favourable light, they will not refuse to investigate other claims, founded on special circumstances, and particularly with reference to the poverty of particular districts, every such case being reported to Parliament, and the discretion of the committee being liable to be called in question if improperly exercised; an extension of the former rule so necessary that it was unanimously recommended by a committee of the House of Commons. The third objection made to the scheme is, that the grant is made in such a peculiar manner, as not to afford the House of Lords even an opportunity of voting upon it. Now, if there be anything established in the practice of Parliament, more particularly of late years, it is that grants of this kind should be made in the House of Commons; that they should be carried, by address, to the foot of the Throne; and that they should be administered on the responsibility of Ministers. It has been said, that the first grant of 20,000*l.*, for the purposes of education was a new principle. Indeed! Then how did it happen that the right rev. Prelate did not object to its being made? Have any of your Lordships ventured to dispute the right of the House of Commons to come originally to such a grant? No, not one. Year after year has this grant of 20,000*l.* been voted—year after year it has been voted without any objection having been taken to it; and yet your Lordships are now to be told that the present grant is a novel proceeding, by which the House of Commons seeks to put aside the constitutional privileges of this House. The right rev. Prelate may perhaps say, that there are particular circumstances connected with this grant which distinguish it from all other cases. Now, I contended that there is not in the grant even the appearance of anything like a proposition to withdraw anything from the Church. There is, therefore, no special case which renders it necessary for the House of Commons to proceed by bill instead of resolution, and to send up that bill for the approbation of your Lordships. I might remind you that there are numerous precedents of high authothority to justify the course now pursued. In the year 1829 the House of Commons came to a vote, by which all the grants previously made to the bishops of Ireland for the administration of Charter schools in that country in connexion with the Church were placed at the disposal of the Lord-lieutenant for the time being, and were to be applied generally, without distinction of sects, for the purposes of education. Was that so, or was it not? If it were so, and it would be difficult to deny it, they were guilty of an attempt to delude and to deceive your Lordships, who said, that it was a novel mode of proceeding, and without precedent, to act upon a grant upon which your Lordships had no means of pronouncing an opinion. There are, however cases of grants which go far beyond the grant to which I have just referred. There was a special authority for making such grants in the last charter of the East India Company, not objected to at the time. There were grants for our colonies in America, for our West Indian islands, and for our settlements in New Holland—all made upon the express understanding, that a portion of the funds so created should be allotted to the dissenters, and that a system of joint education should be adopted for churchmen and dissenters indifferently. Your Lordships will find on your table a very able despatch from Sir J. Franklin, the Governor of Van Dieman's Land, detailing the difficulties which he has met with, and which he has overcome, in carrying a joint system of education for churchmen and dissenters into effect in that colony, and stating the very beneficial results which he has every hope of deriving from it. I am sure, that it will not be said by any of your Lordships, that this has taken place in a distant colony, inhabited by convicts, or the families and companions of convicts, for whom any mode of instruction is indifferent. But where and how had this convict population arisen. Would to God that those persons had been instructed as they ought to have been in this country, and then, in all probability, they would not have become forced residents in that penal colony! Who will venture to say, that if schools for general, moral, and religious instruction had been established in Manchester, in Liverpool, in Bury, in Salford, in Birmingham, and in our other large commercial and manufacturing towns, the great feeders of our penal colonies; and that if the population of those districts had been trained in those schools in good moral and religious principles, no matter whether those principles were those of the Church of England, or of some sect dissenting from it — who, I ask, will venture to say that many of the convicts now in New Holland, and several from the parent land might not have escaped from their present cruel fate? Again, in the East India Company's charter, there has been a particular provision inserted for the purpose of enabling a joint education to be given to the children of various Christian churches. Let me not, then, be told that it is an unalterable principle of Parliament to exclude all sects of dissenters from instruction, either general or special, and that its grants are solely devoted to the education of children in the principles and doctrines of the Established Church. I have now touched on every objection which has been taken in the House of Commons to the minute now laid on your Lordships' table. The only change made, by which the present plan is distinguished from those former schemes is this—that instead of the funds being intrusted to the Chancellor of the Exchequer alone, they are to be intrusted to the Chancellor of the Exchequer, to the Lord President of the Council, to the Lord Privy Seal, and to the Secretary of State for the Home Department—that those officers, though they may give a preference to the schools of the National Society and to those of the British and Foreign Society, were to have power to make exceptions from that rule, and to found schools distinct from them where the poverty and population of the district required it—and further that they should have the right of sending inspectors to all the schools under their charge for the purpose of seeing that the public money was properly disposed of and carefully adminstered. Of this plan no part was, in my opinion, more unexceptionable than this wise provision of inspectors. I appeal to the experience of those noble Lords who sat upon the committee of inquiry into the state of education in Ireland, of which committee I had the honour of being chairman —I appeal to the experience of those noble Lords whether they were not met at every step of their inquiry by evidence showing that some inspection of those schools on behalf of the public was absolutely indispensable to their success as a means of promoting education? I have the authority of the secretary of the National Society, and also of the secretary of the British and Foreign Society, both men of great sagacity and experience in education, both of whom stated, that the inspection of the schools is at the root of all good. I could carry your Lordships through a long detail of the present state of the schools in different parts of the country, and could show in what a wretched condition many of them are owing to the want of this inspection. I have by me the notes of a member of the Church of

England, a gentleman filling too an important and responsible public situation, who, from motives of benevolence, has visited many of the national schools not distant from London. His notes prove, that in some of those schools, the state of education, though perfect in form, is so deficient in substance, that though all the children can repeat the catechism by rote, not one of them knows or can give any meaning whatever to the words contained in it, including those most significant of the religious tenets and distinctions to which so much importance is attached. I must also state that, it has come to my knowledge that, in some instances, the Treasury grant has been misapplied, and has been directed to very different objects from those which were originally intended. But the most reverend Prelate seems to apprehend that there is lurking, under this proposition of inspectors to see the regulations properly enforced, an intention to interfere with the ecclesiastical instruction of the children. Will the most reverend Prelate believe him when I assure him that it has never entered into the mind of any one Member of her Majesty's Government that the inspection should be used for the purpose of interfering directly or indirectly with religious instruction. But what it is proposed, and what it is most important to effect, is, that the inspection shall be applied to the introduction of those improvements which even in secular education may be effected, and those admirable arrangements which your Lordships may witness at the school in Norwood, established by the Poor-law Commissioners, arrangements not bearing upon the question of religion, but bearing upon that which is of equal importance—the training the children in habits of order cleanliness, discipline, and industry, which might form a part of a general system of education without interfering with these high truths, which it is the duty and the privilege of the Church to inculcate. I have now touched upon most of the points respecting the plan which is before Parliament, and have noticed the principal objections which have been made to the scheme in this House, by the most rev. Prelate and elsewhere. The most rev. Prelate has thought it necessary to advert to a former minute of the Council, which has been withdrawn, not so much on account of the opposition made to it out of doors, as on account of the difficulty which has been experienced before, and defeated other plans in coming to a distinct understanding between conflicting opinions, as to the way in which a normal school, intended for the benefit of all, should be established. Now I do not depart from the principle, that the establishment of a normal school would, under the sanction of Government, be most important and beneficial. But there is no intention on the part of the Government to take such a course without bringing it under the view of Parliament and publicly stating the grounds upon which it is proposed. The amount of the vote itself indeed is sufficient proof that no such intention exists. The most rev. Prelate has spoken a great deal of the distinction between general and particular religion—which he thought implied in that first minute, and having assumed that by "general" religion, "natural" religion was to be understood—he has argued upon that supposition; an erroneous supposition, for the words "natural religion," did not occur in the minute. If the right rev. Prelate wished to know where the distinction between general and special religion was first taken, he would inform him. It was in a speech of Sir R. Peel's. In proposing a grant many years ago for the maintenance of schools in Ireland, Sir R. Peel stated that he saw no reason why a distinction should not be drawn between general and special religion, and why there should not be different persons to teach both in the same school. For myself, I disclaim any other distinction on the subject than that which naturally arises between truths which are common to several religions, and those which are peculiar to each. The Government intends not to propose anything but what it considered will conduce to the grand object of promoting secular improvement, reserving to the Church, free from all possibility of interference from inspection, or any other cause, the right of religious teaching—a right which I do most solemnly declare I most sincerely desire that the Church should retain, and which I believe it is the duty of the Church to exercise. But because I wish the Church to preserve that right, I am not prepared to exclude from the benefit of improved education any class of her Majesty's subjects, and as a Member of Parliament I am bound to see that a grant voted by the representatives of all, at the expense of all, shall be distributed for the benefit of all. That is the sole claim which the Government puts forward upon this occasion;

and in the manner I have described, I would distinctly state that it is the intention of her Majesty's Government, or the Committee of the Privy Council, to administer the system they have proposed; nor will I abandon the hope that this plan, limited as it is, and relieved from those objections to which the too curious apprehensions of some persons, and the deep-rooted prejudices of others have exposed it, will become the means of leading the country to the adoption of some practical system with respect to education, equally conducive to the interests of the Established Church and to the general welfare of the country. With these feelings I shall now move the previous question to the motion of the most rev. Prelate, adding, that even if the most rev. Prelate's motion be carried, I shall not regret that an important attempt has been made on the part of the Government, to carry into effect that which I believe is the only mode of providing for any advance of that improvement in the general condition of society which at the present time, more than at any former, is imperatively called for. If the first resolution be however carried, I shall move the omission of that part of the second, which contains the affirmation of words existing in the minute of Privy Council, which are not to be found there.*

The Bishop of *Exeter* said, that in presuming to follow the noble Marquess of the eloquent speech which he had just delivered, and which was by far the best defence of that system of education, if system it could be called, which had been adopted by the Government, he should first address himself to the various questions which he had put to rev. Bench, of which he had the honour to be a member. In attempting to answer those questions, he was anxious to have it understood that he was not speaking the sentiments of the rev. Bench, much less those of the Church at large. He trusted, however, that he might be forgiven if he ventured to express his own individual opinions on the questions which the noble Marquess had put to the rev. Bench. The first question which the noble Marquess had

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[The following is one of the documents referred to. The resolutions moved by the Archbishop of Canterbury may be found at the end of his speech, 1253.]

Extract from the Minute of Council of the 3rd of June, 1839;—printed by order of the House of Commons.

"The Lords of the Committee recommend, by their Report, that the sum of ten thousand pounds, granted by Parliament in 1835 towards the erection of Normal or Model Schools, be given in equal proportions to the National Society, and the British and Foreign School Society. That the remainder of the subsequent grants of the years 1837 and 1838, yet unappropriated, and any grant that may be voted in the present year, be chiefly applied in aid of subscriptions for building, and, in particular cases, for the support of schools connected with those societies; but that the rule hitherto adopted of making a grant to those places where the largest proportion is subscribed be not invariably adhered to, should application be made from very poor and populous districts, where subscriptions to a sufficient amount cannot be obtained.

"The Committee do not feel themselves precluded from making grants in particular cases, which shall appear to them to call for the aid of Government, although the applications may not come from either of the two mentioned societies.

"The Committee are of opinion, that the most useful applications of any sums voted by Parliament, would consist in the employment of those monies in the establishment of a Normal School under the direction of the State, and not placed under the management of a voluntary society. The Committee, however, experience so much difficulty in reconciling conflicting views respecting the provisions which they are desirous to make in furtherance of your Majesty's wish, that the children and teachers instructed in this school should be duly trained in the principles of the Christian religion, while the rights of conscience should be respected, that it is not in the power of the Committee to mature a plan for the accomplishment of this design without further consideration; and they therefore postpone taking any steps for this purpose until greater concurrence of opinion is found to prevail.

"The Committee recommend that no further grant be made, now or hereafter, for the establishment or support of Normal Schools, or of any other schools, unless the right of inspection be retained, in order to secure a conformity to the regulations and discipline established in the several schools, with such improvements as may from time to time be suggested by the Committee.

"A part of any grant voted in the present year may be usefully applied to the purposes of inspection, and to the means of acquiring a complete knowledge of the present state of education in England and Wales."

"Her Majesty, having taken the said Report into consideration, was pleased by and with the advice of her Privy Council, to approve thereof."

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* These words were upon Lord Lansdowne's motion afterwards struck out without a division.

put to them was this—"Had the Church a right to claim the education of the people at large, including that portion of them, amounting to many millions in number, who do not belong to the Church?" In proposing that question, the noble Marquess had proposed a question which at first appeared perfectly clear and simple; but the terms in which it was couched raised matter of considerable doubt in his mind. He would, therefore, in answering the question, ask for some information as to the terms of the question itself. When he was asked whether the Church had a right to claim the education of the people at large, he answered, that he was not of opinion that the Church had a right to claim the enforcement of any system of education on the people at large, least of all on that part of the people which did not belong to it. But the Church had a right to demand of the State—and if the Church and State were prepared to do their duty, that demand would be answered—the Church, he said, had a right to demand of the State the means of offering education to them all, no matter whether they belonged to the Church or not. God forbid that the Church should compel them to take its system of education! But the Church had a right to demand that the Church, which the State acknowledged to profess the true religion, and whose duty it was to extend instruction to all within its pale, should have the necessary means supplied to it. Then he asked the noble Lord to propose such a grant as would enable the the Church to educate all within its pale. Was the noble Marquess prepared to do his duty in that respect? He would answer for the most rev. Prelate, for his other right rev. Brethren, and for himself, that neither they, nor the clergy of their respective dioceses, would neglect their duty if the State did its duty, as had been, hastily and hypothetically it was true, but still in some manner indicated by the noble Marquess himself. The next question which the noble Marquess had proposed to the rev. Bench was, whether the chain of the Church of England extended, not only to the religious, but also to the secular education of the people? His answer to that was, not that the Church presumed to demand that it should direct the secular education of the country in secular matters, but it had a right to demand and receive from the State the means of sanctifying secular instruction, particularly of those classes who must be assisted with the means of giving education to their children. Speaking as they now were, mainly of the education of the poorer classes of her Majesty's subjects, he must say that he saw very little need of secular education that ought not to be combined with religion. He did not ask, (God forbid that he should) that the poor man should not be permitted to make all the acquirements in science which it should please God to enable him him to make; but, looking to the poor as a class, they could not expect that those who were consigned by Providence to the laborious occupations of life, should be able largely to cultivate their intellect. If they could concentrate their views upon one great subject—above all, if they could make the Bible the corner-stone of all their learning—if they could learn history, in order to illustrate the Bible—if they could learn the various sciences to the extent to which acquaintance with them is ordinarily carried by persons of that class, in order to illustrate the Bible—he believed a larger portion of secular education would be acquired by them, than if they were cast upon the sciences, without anything scriptural and sacred whereupon to found their studies; that, in short, by making the Bible the foundation of all, and applying secular science to illustrate it, they would learn a larger amount of science, than if trained in those schools where nothing but science was taught. A third question, an answer to which, he frankly owned, seemed to involve more difficulty than either of those that preceded it, was this—whether it were lawful for the State to give its aid to those who did not belong to the Church? The difficulty of answering that question was somewhat increased by what appeared to him a little difficulty, in distinctly understanding the precise meaning of the noble Marquess. Did the noble Marquess mean to ask, whether it were lawful for the State to give its aid generally to persons who did not belong to the Church, which the State recognized as teaching the truth; or whether the State was entitled to give instruction to others for the purpose of teaching them erroneous doctrines in religion? He could not answer the question, unless he knew in what way the noble Marquess meant it to apply.

The Marquess of *Lansdowne* said, his question was, whether it were fit for the State, under particular circumstances, to provide, in the most effectual manner, for the better and improved education of the people not belonging to the Church.

The Bishop of *Exeter* said, if he was then asked whether the State were generally to assist in the education of persons who did not belong to the Church recognized by the State, he would answer most readily, he thought it right that the State should give such assistance. But, if asked whether the State should give it specially in the way of teaching doctrines which the State believed to be false in religion, then he said, with equal candour, the State would depart from its first duty, if it dared to do so.

The Marquess of *Lansdowne*.—I said, the State should provide for the education; I did not say for the spiritual and religious instruction, but for the secular education of the people.

The Bishop of *Exeter* was glad the noble Marquess had given that explanation. He assented to the principle. [The Marquess of *Lansdowne*—In England]—Well, in England be it; although if the principle were just in England, it would not become unjust by crossing the water. That would be a more extraordinary mode of doing justice to Ireland than he believed had yet been suggested. He was glad, however, to find, that on inquiry, the opinions of the noble Marquess so far approximated to his own, and that as far as England at least was concerned, they were perfectly agreed. The noble Marquess had asked whether the education in England was in a satisfactory state! God knew he thought in a most unsatisfactory state. He thought with the noble Marquess that there were myriads of their fellow-subjects, of their fellow-Christians, of their fellow heirs of immo tality, left in a condition so eloquently depicted by the noble Marquess. The noble Marquess called upon them to recollect the 80,000 poor children in Manchester and the neighbourhood immersed in the very abyss of ignorance and vice; and he said, if they left them there, they might punish their crimes indeed, but the guilt of those crimes would rest on other heads. There again he rejoiced entirely to agree with the noble Marquess; but then he must carry his principle a little further back. He should say, if it were the duty of the State, as he most cordially and entirely agreed with the noble Marquess it was, to rescue those unhappy persons from that tremendous position in which they had been left, whose, he must ask, was the fault of their being so left? Was it to be attributed to the neglect of the Church? Had the Church been the cause of that tremendous extent of misery which had accompanied the extension of our manufactories? Had the State been ready to assist the Church in giving the blessed truths of the gospel to those which the state was most anxious to breed up and encourage in those very occupations which, if left to themselves, could only terminate in ignorance and vice of the most fearful character? No, never had there been such virtue in the State of England since the Reformation. He grieved to say, that illustrious and blessed era had not been without the most grievous stains, and the greatest of all was, the niggard manner in which the State of England since that period had dealt out the means of spiritual instruction. Had the State then stood forward, and rescued from the grasp of a tyrant that ecclesiastical wealth which he applied to pamper his minions, and at the same time to feed his own vices, there would have been means by which spiritual instructors would have been provided for the instruction of a large proportion of those whose distressed situation was so well described by the noble Marquess. Not only then; at no period since, with one great exception, had the State stood forward as she ought to hav done upon this question. The exception to which he alluded was afforded by the conduct of one of the best and purest of men —whether the ablest of statesmen he did not affect to decide—he meant Mr. Perceval. That excellent man—that truly Christian statesman—even at a time when our finances were most dilapidated, and when there were the largest demands upon our pecuniary resources, proposed a vote of 100,000*l.* for extending the means of spiritual instruction to the people, through the increase of small livings. That vote was continued for eleven years. Why had it been discontinued? Because Parliament, after having, by God's blessing, been permitted to carry the country through the greatest dangers with which any country was ever yet visited, thought fit to cast off all recollection of its Almighty patron, and rather than continue this boon for that blessed purpose, discontinued the 100,000*l.* to its own lasting disgrace, even in the midst of peace. There were persons now present not altogether guiltless of that error; there were some who were ready to complain of the tremendous destitution of religious knowledge in the manufacturing districts who had some share in preventing Parliament doing its duty in that respect: he hoped when such recollected this, they would be willing to make the only reparation in their power—a reparation which, by

God's blessing, they might yet be able to make—by giving additional means of Church extension in this country. Without that, it would be in vain to look for any benefit to be derived from those schemes of education which were devised from time to time; without that, he would not say it was insincerity he would not say it was hypocrisy, but he would say it was gross inconsistency, for the noble Marquess, and those who thought and spoke with him, to get up in that House and speak of the tremendous destitution in the manufacturing districts, and even hint that it had in any degree been occasioned by the want of exertion on the part of the Church. He was glad to hear the noble Marquess did not even intend to hint that it was owing to neglect on the part of the Church. He did not wish his observations to be taken as exclusively applicable to any Government—they applied to noble Lords opposite, highly as he honoured them, in a greater degree than noble Lords on the Ministerial side of the House. The commenced that deplorable desertion of the highest duty of the State; and if they wished to retrieve themselves, they must retrace their steps and take care that there was a clergyman in every part of the country ready to give instruction, and then there would be neither the same extent of religious dissent nor of crime which unhappily now prevailed. The noble Marquess had mentioned something about Sir William Courteney. Other schemes might give a better result; but undoubtedly the plan of the noble Marquess was liable to this observation—if there had been one of his model schools in Kent, those misguided individuals who believed Thom to be inspired would have chosen him as their teacher, if their numbers had been sufficient to come within the rule laid down by the committee of Privy Council, they might have received assistance from the State in propogating their doctrines. He did not think the noble Marquess gained much by his reference to Sir William Courteney. After the very able and lucid statement of the most rev. Prelate, he should not detain their Lordships with many observations. The noble Marquess had complained of the introduction of words from Lord J. Russell's letter, as descriptive of the present system, but as that letter was enumerated with the other documents mentioned in the resolutions, he could not help thinking that the objection, which had been taken in the shape of a verbal criticism he supposed, was a little beneath the noble Marquess. It was important further to consider what was the precise state of things at present. No fewer than three plans of education had been in existence under the authority of her Majesty's Government since the 1st of January 1839: first the plan under the Treasury minute of August 3, 1832; that was superseded by the measure of April 13, 1839; and that had finally been not superseded by being placed side by side with the Order in Council of June 3. He said not superseded—and why? It was quite plain, from the whole tenour of these documents, that all the matters explained in the order of April 3, were not only contemplated as possible, but cherished as most desirable to be carried into effect whenever opportunity offered. The model school was stated as the very first thing the committee had to carry into effect. The noble Marquess assented to that condition, and the Queen's sanction was given upon that understanding. True, there might be inconvenience in carrying it into effect—difficulties had arisen, but the House had not been told whether those difficulties arose in relation to schools, or whether they proceeded from quarters much more important, which made it much more difficult to get rid of the objections. Under the appearance of withdrawing it, the scheme was hidden under a mass of words, and thus the design had been covered from the eyes of the unknowing. If the difficulty arose from Parliament, it was quite clear that when Parliament ceased to sit, the difficulty would at the same time cease also. This, which the committee were so anxious to carry into effect, must depend upon a certain concurrence of opinion, of which they were to be the sole judges. Now, their Lordships would recollect, that her Majesty had been advised to express her decided approbation of the course pursued by the noble Marquess, from which they must be aware that the committee would carry into effect the purpose avowed, so soon as they perceived the concurrence of opinion assumed to be necessary for that purpose. He should not then take upon himself to reply at any length to all the observations of the noble Marquess; but there was one made by him, in answer to the most rev. Prelate, upon which, perhaps, he might be permitted to make a remark—it related to the special and general religious instruction of the pupils with whose education it was intended to interfere. They had been told that a religious principle was to enter into the whole scheme of instruction; that it was to direct and govern the whole, but that special religious instruction was to be reserved for stated periods. The noble Marquess told them, that the general religious instruction was to embrace the general mass of opinions upon which all Christians were agreed. It might, perhaps, have been better to describe it as including those truths only which were admitted by all who professed any religion whatever; but even that would be grossly inconsistent with the principles previously professed by the noble Marquess himself, for Mahometans, Hindoos, and other inhabitants of India, were in respect of their education to become objects of care and attention to the Government of this country. He would take the nature of the general religious instruction to be imparted on the noble Marquesses own showing; and he would take the liberty of asking what were the truths in common amongst all classes of Christians? Short as were many of the documents laid on the Table of their Lordships' House upon this subject, he would take upon himself to say, that the shortest amongst them would not be found so short as the catalogue of those truths, were it correctly made out. There was hardly a dogma left unquestioned by one class of Christians or another; the commission itself, short as it was, would be much longer than any such catalogue. He, of course, deeply regretted that all the truths of religion were not received; but there was only one fair way of dealing by all men in this matter. If there were one plan more partial and unequal in its operation than another—if he were called on to devise one which should have partiality for its basis, he declared that he did not think he could devise any which could exceed the present in its injustice. The fact was, it brought the State to pay for those who had the least religion, by striking off every disputed doctrine. Then it provided that the moral instruction of the children should proceed without reference to their religious instruction. He desired to know if the noble Marquess, as a Christian, was willing that his child should learn his duty to his neighbour—should be instructed in his moral duties as a man, without being informed of the state in which he was in as a man—as a fallen man, incapable of the performance of his duties, unless assisted by divine grace? Did the House for a moment suppose that there could be any moral training, any moral regulation or sanctity, unless in conjunction with the higher doctrines of Christianity? Having so long trespassed upon their Lordships' attention, he should forbear from touching many subjects which he felt ought to be noticed; and he was the more strengthened in his resolution to avoid them when he recollected how much more powerfully they would be handled by others.

The Bishop of *Durham* was understood to say, that when on former occasions he had felt it his duty to state his views on the subject of education, he had professed himself to be favourable to normal schools, and he continued of that opinion. In reference to the subject then more immediately under their Lordships' consideration, he felt bound to call their attention to the fact, that the national schools, the British and Foreign Schools, and the schools established at Glasgow, had partaken of the Government grants. He had endeavoured to make himself as fully acquainted as he possibly could with the real condition of the people in reference to education, and he therefore sought his information from those who were, as he had reason to think, best informed upon the subject. An imputation had been cast upon the Government, as if they rashly jumped to a conclusion the very reverse of that which they had adopted in 1838. This, he thought, an unjust imputation, though he did not profess to know what considerations had more immediately induced the Government to adopt the course which they appeared resolved to pursue, but he was aware of many circumstances which might have had that effect. In the course of the last year, both Houses of Parliament had received various petitions from different parts of the country, praying the adoption of an extended and general scheme of education. There was hardly any subject by which public feeling had been so much agitated; but it was one which ought to be decided by facts, and not by mere speculation; he had therefore endeavoured to procure as full information as he could possibly obtain respecting the state of crime and the relation subsisting between it and education, or rather the want of education. In the acquisition of such information as he had obtained on the subject, he had been much assisted by the Poor-law Commissioners, and had received a considerable portion of that information through the kindness of Mr. Chadwick. From all the documents and information which he could collect, it appeared that there existed a very general desire, and, indeed, a great necessity for the adoption of a more popular system of education—more applicable to the instruction of the lower classes throughout the country. Considering the improvement that had taken place on the Continent, and the very great comparative ignorance existing in England, he felt that the Government were warranted in enlarging their grant, and in giving such latitude to its dispensation by the new orders in Council as would probably give rise to a progressive and indefinite extension of the benefits derivable from a sound system of national education.

Earl *Fitzwilliam* had heard, with great pleasure, the speeches of the most rev. Prelate who opened the debate, and of the right rev. Prelate who had just sat down; but it was a pleasure arising from very dissimilar causes, on account of the different materials of these two speeches. Towards the conclusion of his speech, the most rev. Prelate said, that if the Church ceased to teach pure morals and a right faith in Christianity, religion and the State should cast off the Church. He trusted that no individual in that House thought that the Church should be cast off on either of these grounds, or on any grounds; but it did not appear to him that this was a ground upon which could be built the conclusions to which the most rev. Prelate, and the right rev. Prelate who followed him, had arrived. He would take the liberty of complaining, that neither of these reverend Prelates had grappled with the true question before their Lordships. If, indeed, this was a new system, now projected for the first time by her Majesty's Ministers, then the most rev. Prelate might be justified in omitting to allude to this most important feature in the present debate which he now shrunk from grappling with. But the fact was, that a grant of money for similar purposes to the present, had been made in five successive Sessions by the House of Commons. He should have expected, therefore, that any person endued with reasoning faculties, in objecting to this proceeding at the present time, would have endeavoured to point out some glaring inconsistency between the present proposal and that which had been sanctioned by so many successive votes of the House of Commons. From that task, however, the most rev. Prelate, and the right rev. Prelate who followed him in debate, had shrunk. Distinctions had been attempted to be drawn, but of real and substantial differences not one had been advanced. Now, with respect to the first ground of objection, it could surely not be looked upon as a substantial difference, whether the grant was to be applied through the hands of the Lord President, the Chancellor of the Exchequer, and the Secretary for the Home Department, or those of the Chancellor of the Exchequer and three or four of the junior Lords of the Treasury. Another ground of objection was, as to this scheme being in connection with certain societies now existing; but he thought that the committee to be appointed were not bound to follow the rule now acted upon, and that it was not advisable that they should follow it. The other difference was, that previous subscriptions by individuals were not demanded on behalf of those schools to which the grants were made. The effect of enforcing the existing rule in reference to this subject was this, that education was denied to those localities which, from their poverty, stood in the greatest need of it. Therefore, although he admitted that, as a general rule, it was desirable that this plan should exist where there were local funds, and where there were persons whose means enabled them to subscribe, yet he thought that under other circumstances the system ought not to be strictly carried out. He took the liberty of saying, that among those who admired the speech of the right rev. Prelate (the Bishop of Exeter), there were many who admired it for a variety of qualities. In the course of his address, the right rev. Prelate had taken occasion to pass no very measured censure upon all those who had sat in Parliament before him, whether in this or the other House of Parliament. During a period of three centuries, according to his views, the conduct of the State had deserved the severest animadversion; but he thought that, during a period of ten or eleven years, the State had done its duty to the people of this country. But what was done during those few years—that exception to which the right rev. Prelate alluded? There was a grant made of 100,000*l*. a-year. But what was the object of that grant? Was it for the good of the people—was it for the purpose of affording them instruction—was it for the purpose of rescuing them from the dangers in which they were involved by the non-teaching of them in the truths of Christianity? No, no such thing; but the only object was that of increasing the value of small livings. He did not disapprove of that object; he thought it was a worthy and proper one; but he begged leave to say, that that money was given to the ministers of the Church, and did not in any way necessarily increase the religious instruction of the people.—[A noble *Lord:* "It increased residence."] No, it did not even increase residence; the building of glebe-houses would have promoted that object, but this sum was not given for that purpose, and the noble Lord who had interrupted him must show that the clergyman, in consequence of the increased value of his living, was a better pastor than he was when he had only his 70*l.* or 80*l.* a-year, in order to make out his proposition. He repeated, that he did not object to the grant, but he contended that it was not given for the benefit of the flocks; and besides that, it had no reference at all to the population of the parishes in which the minister lived; but that it was solely given in reference to the poverty of the living, and, therefore, solely and entirely for the minister of the Church, and the complaint which the people had a right to make was, that the Government had an eye to the ministers of the Church; and omitted all care of the flocks which they superintended. Now he would advert to a part of the speech of the right rev. Prelate to which he must confess he had listened with great surprise. His observation referred to the words he had used, that there was not a dogma of Christianity that had not been denied. There was no doubt that the subtleness of a mind like that of the right rev. Prelate might find the means of suggesting a denial to every dogma; but would the right rev. Prelate get up in his place, and say, that there were not many dogmas of Christianity which were acceded to by every religious sect in the empire? He had heard the expression of opinion on the part of the right rev. Prelate with the greatest pain, and with the strongest impression of the danger which such an opinion might produce out of doors. It appeared to him that persons disposed to take the same views with regard to the education and instruction of the people as the right rev. Prelate, were inclined to look upon them, as not being calculated to make the people more Christian, but, on the contrary, produce a directly opposite tendency. Now if that were the truth, that the more knowledge a man might acquire, and the more accomplished he might be, and the more competent to appreciate intellectual pleasures, the less fitted he was to receive the doctrines of Christianity. [*No, no.*] That was the argument; but he conceived that the truth was directly the contrary, and that the more educated the man might be the more disposed he would be to receive the truths of Christianity with greater spirit. He believed that between the two plans there was no such difference as to justify the House taking a course different from that which had been before adopted, and he should give his vote in favour of the previous question; but at the same time he must be candid and fair to his noble Friends on the ministerial benches. The noble Marquess had endeavoured to show, and he thought that his endeavour had been attended with considerable success, that there were reasons for not forming on this occasion that sort of board which should be formed if it were to assume a permanent character; but at the same time he had little doubt that the formation of a committee had led to a great deal of misunderstanding and misrepresentation out of doors; and therefore, although, as he had before said, the noble Marquess had well defended the system, he did not conceive, viewing the question as a matter of expediency, that her Majesty's Ministers had been well advised in the course which they had taken—he meant well-advised in its limited sense, so far as their interests were concerned. That there was anything to complain of in the constitution of the committee he was far from believing; for he thought that a committee of the Privy Council was no worse than that which had before been in existence. He would now refer to a branch of the subject from which the noble Marquess had, most unfortunately, been compelled to recede—he meant the establishment of normal schools. Few of their Lordships, he trusted, had not in some portion of their lives been concerned in establishing schools; he would therefore appeal to every noble Lord whether the greatest difficulty which they had felt in taking such a course had not been in finding good schoolmasters? Such difficulties met them at the very outset, and great, indeed, were the qualifications required for conducting schools well. He most sincerely lamented, therefore, that his noble Friends had been under the necessity of abandoning that part of their scheme; but while he did so, he augured well for the attempt which they made, and if it should not be successful in their hands, he took leave to say that it would drive many others up to the collar, and so secure the general object of education. The money in this instance had been voted, and he trusted that her Majesty's Ministers would be advised by men who would have sufficient firmness to give a proper answer to the address which he did not doubt would be presented. All that he had to say was, that if her Majesty's advisers should yield to the address, and those who framed it, they would betray the best interests of the country; and if, under the dictation of lay Lords, or of spiritual Lords, they neglected their duty, they would lose sight of the great interests of the people, whom they would deprive of the 30,000*l.* granted by Parliament, and all the benefits which the proceedings taken by the two Houses of Parliament during the last five years had conferred upon them. The House could not get out of that. They had acquiesced in these votes for five years, and they knew very well why they had done so. It was because they knew and felt the great interests of the people of England, and they knew their duty too well to make any objection to them. He believed that to whatever vote they might come that evening, there were few among them who would think it right that his noble Friend should give that advice to her Majesty which he had suggested; but he cautioned them that if by their act the people of England were disappointed and discontented and evil were produced, the responsibility which the Ministers would in the first instance incur would recoil back upon their Lordships' heads with redoubled force.

The Bishop of *Norwich* rose with great diffidence at that hour of the night, because he knew that noble Lords opposite seeing him sitting where he did, might be somewhat surprised at hearing that his opinion was not in accordance with their own; but at the same time he did not hesitate to express that opinion in opposition even to his right reverend Friends, because, although he was aware that he was opposed to them, he felt that they were all engaged in the attainment of the one great object. They might be going in different paths, but he hoped and trusted that their end, and aim, and object were the same; and he hoped that the right reverend Prelates would aid the Government by every means in their power to do that which would promote the welfare of the people, and the establishment of a good system of education. He rejoiced that he had heard the right reverend Prelate near him (the Bishop of London) declare the other evening that the clergy of the Church of England claimed to have the education of the flocks committed to their charge. He said that he rejoiced to hear this, because it was a refutation of the charge which had been made against the clergy, and of the calumnies heaped upon them, that they were in a state of apathy; and when that refutation was given he was convinced that the people of England would at no future time hear that calumny repeated. No, the clergy would be ready to educate the people, and he hoped that their energy and their zeal would be always displayed in that great and important purpose. In this view of his opinion he went beyond the right rev. Prelate, and he thought that if the clergy of England were what they were and would be, they would proceed not only to the education of their own flocks, but to that of the masses of the people. Considering that clergymen now were in the habit of humbling themselves to go among the middling, and even the very lowest classes, and of acting as their friend and consoler in the day of trial and tribulation, surely such men as these, to whom the latch of every cottage door was open, and who were welcome every where, were worthy to be trusted with the education of the people, and he pitied the dissenter who would not hold out the hand of fellowship to a clergyman who thus performed the duties of his mission. When he saw the great change which had taken place in our Church—when he remembered that at one time it required that some moral courage should be exerted to mention the word education and to support the enlargement of the mind, at a time when we were fettered in having a most insignificant degree of education doled out to us, might he not anticipate the future great changes which would be made? He recollected the times when infant schools were even looked upon as dangerous to the Church;

for he remembered when he was taunted, and that by a clergyman, upon that subject, because, forsooth! it was considered that they were engines of Socinianism, and were looked upon as engines to undermine the Church. Socinianism from infants in the cradle? Danger to the Church from puerile delinquents, and from delinquents in the nursery! Such facts showed that great changes had taken place, and he looked forward to the time when the Church of England would practise toleration as well as profess it. There were differences in this question of such a nature that he thought it ought to have been discussed dispassionately, but would appeal to their Lordships and the world whether it had been calmly and dispassionately considered? How had it been received? By exaggerated falsehood—by every degree of obloquy—and by every degree of vituperation that could be heaped upon the Government. Surely this was not the way to receive it. How would the Church have looked if every defect in the system had been pointed out with the microscopic eye of observation? The fact was, that every one had a plan of his own, hammered out upon his own anvil, to which he sedulously attached himself. To say that the Government scheme was perfect would be untrue. There might be many defects, and many points which required explanation; but the country had condemned the plan without inquiry or explanation. Was this fair? [*laughter.*] This might be jocular; but he did not think that noble Lords were treating the subject with that seriousness which was required. In the first place, he admitted that there was a great defect as regarded the Church and Clergy. They might be anxious and willing to educate the people, but they were not sufficiently numerous, energetic, and anxious as they might be to educate the great number of persons to whom they would obtain access. He appealed to the right rev. Prelate below him (the Bishop of London), and he would tell the House that there were fourteen or fifteen parishes in which there was only one clergyman to 15,000 persons. How, then, could the clergy carry education to such masses? Again, there was a difficulty in educating churchmen and dissenters together. That was a very serious question, and it required great tact and judgment to manage it. He was not a novice in education, for the greater part of his life had been spent among the humble classes of the people. He knew what they could do; their feelings and passions; and he gave it as his deliberate conviction that they might be educated together, though of different persuasions. He now came to a very delicate question—that which had been so much touched upon during the evening—he meant the system of education in which religious instruction was divided into general and special. This subject had been before alluded to, and harsh language had been used towards the Ministers for making this subdivision. He would read the words which had been used. They were—"Where was the distinction founded between general and special religion? What authority had they for it? Where did they find it? Did they find it in the primitive fathers, in the founders of the Reformed Church, or in the Bible itself? Such a distinction was reserved for the crude and presumptuous analysis of the Committee of Privy Council." Now he could give an answer to this. The Members of the Privy Council had either the merit of starting a most valuable discovery, or they had committed a plagiarism upon a man whose character was without reproach. If it were a plagiarism it was one of which they ought not to be ashamed, for the man from whom they copied was neither more nor less than a right rev. Prelate, whose name when he mentioned it would command universal esteem—he meant Daniel Wilson, bishop of Calcutta. Now, he would tell the House what had been done. There was an establishment in India called the Martiniere Institution, which was instituted by a person, named Martin, who went abroad as a private soldier, but who amassed a large fortune, and dying a major-general, left his money for the support of the establishment for the education of the people, upon the principles of general education without reference to their creed. In that establishment the religious instruction of the children was divided into two parts, the one general and the one other particular. Then, what was the general sytem? It embraced the fundamental truths of Christianity as they were held in common by the five existing great divisions of Christendom; while the other related to discipline, Church-government, the sacraments and other matters on which differences more or less existed.

The Committee which had been appointed to frame the plan in their Report, considered that the first part should be taught daily and publicly to all the children by the head master of the school, while the second should be taught privately and on particular days by the ministers and teachers whom the parents might, with the approbation of the governors, select. The report then proceeded to point out the general doctrines which were taught. When they saw such a system, therefore, carried on with such admirable effect, he thought it was too much to complain of a system so strongly resembling that of the Martiniere, without some explanation being required and afforded upon the subject. Another part of the same plan was now under consideration. It would be asked how the Bishop of Calcutta acted with respect to the difficult case of the Scriptures. He spoke of two versions—

> "As it respects the versions of the Holy Scriptures, your Committee are not aware that the Greek and Armenian churches have any English version of their own. The English and Scotch Churches use the authorized English version. It remains only that the Church of Rome be considered, which has long possessed a version of its own—that of Douay and Rheims."

One great point made against the present plan in England was that the Douay version was to be used by the Catholics. Now, what was the Douay or Rheimish version? It was a translation from the Vulgate. With respect to that book, what had the University of Oxford done? In 1679 the University of Oxford had published an edition of the Vulgate, and pronounced the text of that translation of the Scriptures to be superior to every other that existed. This was about sixty years after the publication of our own version? But then they might say that the Rheimish translation of the Testament was a corruption of the Vulgate. What did the University of Oxford do with respect to that? When the French emigrants were driven, during the excesses of the Revolution, to seek in crowds an asylum in this country, it was singular that the University of Oxford published a large edition of the Rheimish version, and disseminated it among that people, who received it as a boon worthy of the University of Oxford to bestow. He was willing to admit that a gloom now hung over them—he readily admitted the difficulties they had to encounter; but it would not be long before the mist would be cleared away, or before the light would penetrate that gloom. He saw amongst them much that tended to promote prejudices and angry passions; but the time would come when those prejudices and those angry passions would sink like dross to the bottom, and when there would rise to the top the buoyant principles full of hope and success, and when they would gather the fruit, the seeds of which the Government had spread most abundantly abroad—when, instead of being controversialists, fighting each other face to face, they would go hand in hand, and often instead of entering into these controversies, they would unite to combat their common, their more powerful enemy, ignorance and vice, and profligacy. It was their duty to join hand to hand, and heart to heart, the churchman and the dissenter, to conquer that common enemy of their common country; and although her Majesty's present Ministers might not live to see the fruits, they had sown the seeds which no power could crush; they would germinate, they would shoot up; they would spread and all should look forward with joy to the time—all should cherish—all cling to the hope that the consequence of what her Majesty's Ministers had done would be that the people of England will be educated.

The Bishop of *London* spoke as follows:* At this late hour of the night, and in an atmosphere resembling that of the diocese (Calcutta) to which my right rev. Friend (the Bishop of Norwich) seems to wish me translated, it is very unwillingly that I trespass upon your Lordships' notice; but the subject in debate is one of such urgent and paramount importance, one in which I am so deeply interested as Bishop of the most populous and influential diocese in England, that I feel it to be inconsistent with the duty which I owe to the Church and to the country, not to offer a few observations to your Lordships before the discussion is brought to a close. The right rev. Prelate who has just sat down, and to whom I give full credit for sincerity in the wish which he expresses, that all men may be brought to a community of religious sentiment, although I am less sanguine than he is as to its fulfilment, has also expressed a hope, that the Church of England may in time be as tolerant in practice as she is in theory. My Lords, I will not enter upon a discussion of this point any further than to observe, that if there be a church in the whole world, which deserves the character of toleration in practice, as well as in theory, it is the Church of England. Nay, my Lords, I am by no means sure, that she is not more tolerant in practice than in theory: I am not sure, that toleration has not been extended, in fact, further than is consistent with the Church's constitution. Not that I complain of this. I would not, if I could, retrace a single step which has been taken in that direction. I only allude to the fact, as a proof, that the Church's practice deserves at least as much praise as her theory, in respect of toleration. Now as to the subject more immediately before us, it is with unfeigned reluctance, my Lords, that I declare my purpose for voting for resolutions, which are in effect condemnatory of a highly important measure, which has received the deliberate and determined sanction of her Majesty's Government; so determined indeed, that they persevere in it, notwithstanding the loudly expressed disapprobation of the country at large, upon the strength of an insignificant majority of two in another assembly, against an overwhelming majority of the people, testified by about 3,000 petitions against the measure, to 100 in favour of it; a proportion of thirty to one. It is the more painful to me to pursue the course, which I feel it to be my duty to take, because this measure has assumed a shape, which gives it the semblance of having received the personal approbation and sanction of the Sovereign herself, the temporal head of our Church. I know, however, that this is not necessarily the case. I know that I am to deal with this measure as a measure determined upon, not by her Majesty, but by her Ministers; but still, the form, in which it comes before us, makes it the more painful to me to stand up for the purpose of opposing it. In applying, as I feel myself compelled to apply, the language of censure to the measure which has been adopted by her Majesty's Government with reference to the important question of public education, I hope I shall not be considered as imputing unworthy motives to any of the individuals who compose that Government. I shall without hesitation charge them with erroneous principles, leading to injurious results; but I do not ascribe to them any deliberate intention of producing those results, by setting at work a machinery, which, if it be suffered to move on unimpeded through all the stages of that process, to which its functions are adapted, will undermine and weaken, if it does not ultimately subvert and overthrow, the Established Church of this country. Least of all am I disposed to impute any such design to the noble Marquess, the President of the Council, and of this Education Committee, who has assured us to-night, as he has often done before, of his attachment to the Established Church. He knows too well how inseparably the best interests of the country are bound up with the well-being and efficiency of that Church, to give his approval or assistance to any measure which he should perceive, or even suspect, to be, in its tendencies, likely to impair its strength or to lessen its usefulness. But, my Lords, while I give full credit to her Majesty's Ministers for the rectitude of their motives, I must deal freely and unreservedly with their measures; and I frankly confess, that the measure before us is of such a nature, that it requires no trifling exercise of that charity which thinketh no evil, not to be suspicious of their motives. But I again declare, that I acquit them of any deliberate intention of bringing about the results which are to be apprehended from this scheme. I believe them to be acting under the advice, and from the impulse of others, whose intentions are less friendly to us than their own. I think they are in the hands of a party hostile to the Church, and bent upon its destruction, who entertain the hope of securing their assistance, as instruments for carrying their own pernicious designs into effect. That there is such a party in the country, a party bent upon destroying its dearest and best institutions, is a fact which cannot have escaped the observation of your Lordships; a party not perhaps very numerous, certainly not very respectable: but active, sagacious, persevering in their endeavours; constantly at work about the very foundations of the Monarchy and the Church, and knowing perfectly well, that through the medium of the Church the Monarchy may be most successfully assailed; for if the Church falls, my Lords, all the other glorious and happy institutions of the country will follow; if ever the Church should be cast down, it will involve the Throne in its ruin. I speak advisedly, when I say, that there is a party in the country entertaining these designs; seeking, without much attempt at concealment, to accomplish them; and intending to employ popular education, as a most effective instrument for that purpose. Some, no doubt, are associated with them, in their plans for extending education, who are little aware of their ulterior objects. It is now nearly two years since I warned your Lordships, and the country at large, against the machinations of this party. I took occasion, upon presenting an important petition from the inhabitants of Cheltenham on the subject of National Education, to caution you against the schemes, which were put forth and recommended by a society, comprising in the list of its members some persons, eminent for station, for uprightness of conduct, and for benevolence, whose names, I must think, have been given to that society in ignorance of the designs which its chief promoters have in view, and of the results to which they tend; I mean the Central Society of Education. Their avowed object is, to induce, if possible, the Government of this country to interpose its authority for the purpose of separating religious and secular education; to withdraw the superintendance of it from the Church; to subvert our national system; and to substitute for it one exclusively secular. It is openly declared by one of the chief advocates of their plans, that the absolute and entire exclusion of the Bible from the secular school, is a *sine qua non* to the establishment of any National system of Education. I think I have a right to urge her Majesty's Government not to adopt or sanction any such plans as these; but I think I am also justified in expressing some apprehension of their doing so. I trust that I am not dealing with them uncandidly or unfairly, when I say that the Society in question appears to me to have been, directly or indirectly, the adviser of the Government in the present instance; seeing that the plan, first put forth by the Committee of Privy Council, agrees perfectly in substance, almost in words, with that referred to by the most reverend Prelate who moved the resolutions, as being contained in one of the society's publications.

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* From a corrected report published by Fellowes.

But the Central Society of Education, my Lords, is not the only body which is labouring with mischievous activity to accomplish the same objects, and to prevail upon the Government to establish some such system of education as this, in lieu of that which is connected with the Church of England. There is another Society, formed of the professed enemies of the Church, calling itself "The Society for promoting Religious Equality," which has lately passed certain resolutions, and this is one of them:

> "That to compel any one to contribute to the support of religious rites of which he disapproves, or to the ministers of a church from which he conscientiously dissents, is manifestly unjust, and at variance with the spirit and principles of Christianity: that State establishments, by which any particular Church, or sect, is selected as the object of political favour and patronage, and its clergy are invested with exclusive rights and secular pre-eminence, involve a violation of equity towards other denominations, and are the occasion of inevitable social discord."

All this is very well; it is a plain declaration of hostility to the Church, which is no more than was to be expected from persons who are at enmity with all religious establishments. Indeed, it is no more than was declared, I believe, by a deputation of Dissenters who waited upon Earl Grey, when Premier, and who said that nothing would satisfy them, short of the entire subversion of the Church Establishment. But how do they expect to accomplish their object? How is the end to be attained? Their address discloses the secret. They say,—

> "On every hand, in some shape or other, the Church and State question meets the politician. It is the Tithe question in Ireland; the Church-extension question in Scotland; the Church-rate question, and *the Education question*, and the University question in England."

And this reminds me of cautioning your Lordships how you admit the principles which the Government seems prepared to adopt; for if they are brought into full operation in the education of the poorer classes, you may expect them to be forced upon our Universities. The resolution continues:—

> "In no measure of legislation are the social and religious interests of all denominations more deeply involved, than in those relating to national education, in reference to which a false step on the part of the Legislature will be with difficulty retrieved."

These persons, my Lords, may be considered as representing the party to whom I have alluded, and the first step towards the accomplishment of their objects, seems to me to have been taken, and the general outline of their plans to have been sketched, in the scheme put forth by the Committee of Privy Council. With respect to the part which the clergy have taken in this great question, they have frequently, but not in express terms in this night's debate, been charged with being opposed to the general diffusion of knowledge. My Lords, no persons are more sensible than the clergy are, of the evils which flow from ignorance, and of the duty incumbent upon them, as upon every enlightened Christian, to do all in their power towards removing the cause of those evils: nor can it be truly said of them, that they have been negligent or remiss in the performance of that duty. The most rev. Primate has already stated in detail, the exertions which have been made by our Reformed Church in the cause of education; but I think he has not mentioned the precise increase of the means of education which has been effected during the last twenty years by those exertions. By the returns made to Parliament in 1833, the total number of children in the kingdom receiving daily education, was 1,276,947; of whom, the dissenting schools contained 51,822, or one twenty-fourth of the whole: and the increase, since the year 1818, was 671,248, from which, if one twenty-fourth be deducted, there will remain 643,280 additional scholars, the fruits of the church's efforts during the abovenamed period. The Dissenters, therefore, being somewhat less than one-sixth of the population, (if the Wesleyans be deducted, they are less than one-seventh, are educating one twenty-fourth of the whole number of children receiving daily education. In Sunday schools, which by the way had their origin in the Church, the disproportion of numbers is not so great. Compare, then, my Lords, the million of children who are now receiving education in schools connected with the Church, with the total number educated in *any* schools, before the time when that great impulse was given to the public mind, which led to the formation of the British and Foreign School Society and the National School Society, and you will not be disposed to charge the Church with supineness in the work of education; certainly not the clergy, who have been at all times the most liberal contributors to schools, in many cases supporting them entirely at their own expense, and almost universally devoting their time and talents to the superintendence and management of their Parochial and Sunday Schools. A just tribute was paid to the disinterested and useful labours of that excellent body of men in a speech delivered nineteen years ago, in another place, by a noble and learned Lord, who has devoted so much of his time and great abilities to the subject of education; a tribute, of which I am sure he will not now be disposed to retract a single word. But I know it will be said, in answer to these statements, "It is all very true; we admit the correctness of your numbers; we acknowledge that you have a great many schools, and a respectable roll-call of scholars; but what is the education which you give them? It is a worthless and bad education." Now, when we proceed to inquire a little more particularly into the grounds of this charge, we find, that the badness of our education consists principally in this, that we devote too much time, as they think, to religious instruction, to the study and explanation of the Bible, and too little to the objects of instructing the children of the poor in those branches of secular knowledge, and those mechanical arts, which may be useful to them in after-life. My Lords, we are content to bear this imputation. We acknowledge that we hold the great object of education to be, the training up of immortal beings, admitted by baptism into a special relation to their Maker, to a meetness for fulfilling the duties of that relation. We hold it to be more beneficial to *them*, and more incumbent upon *us*, to give them a knowledge of God and of themselves, of their duties and their destiny; to form their habits of thought and action by the rules of truth, and holiness, and charity, than to imbue them very deeply (and yet we would imbue them as deeply as a due attention to the more important object may permit) with that secular knowledge which they will be sure to acquire for themselves, if they find it to be serviceable in promoting their advancement in life, and securing to them the world's advantages; a knowledge which, if not sanctified and guided, in its use and application, by the restraints and motives of Christianity, *may* be, nay, rather, my Lords, *will* be a curse to them rather than a blessing. Yes, my Lords, I use the words deliberately and advisedly, a curse rather than a blessing. For let me not be told, that the acquisition of knowledge, of whatever kind, cannot under any circumstances be otherwise than beneficial to man as a reasonable being. If, my Lords, we bear in mind that man is not only a reasonable being, but that he is therefore a moral and accountable agent, we shall see, that a broad ground is laid for restricting and qualifying that position. That the acquisition of knowledge, commonly so called; *that* knowledge, which sharpens the wit of man, exercises his faculties, and stores his memory, while it leaves untouched the conscience and the heart, that this does not of necessity benefit the person who acquires it, we learn by the testimony of fact. That education, unsanctified by religion, is evil in its tendencies, and injurious in its results, is the conclusion of sound reason, confirmed by experience. What, my Lords, is the state of the case in France at the present moment? What are the fruits of that system, which takes present utility, and not religious duty, for its mainspring and regulating principle? Do we see anything *there*, which should encourage us to give that prominence and value to mere secular education, which are given it by the supporters of the Central Society? Many of your Lordships are probably acquainted with the Educational Statistics of M. Guerry, and with the extraordinary results of his very careful and minute inquiries; results which may well shake, if they do not overthrow, the confidence of those who look upon education, as they understand the term, as the grand panacea, of all the evils, moral and political, by which the country is afflicted. His words are these:—

"While crimes against the person are most frequent in Corsica, the provinces of the South-East, and Alsace, where the people are well instructed, there are the fewest of those crimes in Berri, Limousin, and Brittany, where the people are the most ignorant. And as for crimes against property, it is almost invariably those departments that are best informed which are the most criminal—a fact, which, if the tables be not altogether wrong, must show this to be certain, that if instruction do not increase crime, which may be a matter of dispute, there is no reason to believe that it diminishes it."

It is strange, that the writer, who is an acute and sagacious person, should wholly overlook the cause of this surprising anomaly. It is at least strange that any Christian should overlook it. The cause is neither more nor less than this, that the education, of which he speaks, is a purely secular education, wholly untinctured with religion. I know, my Lords, that the government of France desire it to be otherwise; and I believe, that they are making efforts to supply this fatal defect in their system of education; but it has not yet been supplied. To prove this, I need only quote from a Report made to M. Guizot by one of his agents, who says of the schools in France, "As to moral and religious instruction, there is none at all." The same result is deduced from the educational statistics of America by De Beaumont and De Tocqueville; and the same cause exists, or nearly the same—namely, that religious instruction, at least that religious instruction which deserves the name, forms no essential part of the established system of education. I state, upon authority which cannot be called in question, that of their own reports, that in America, which is held up to us as a model in this respect to be imitated, and where the governments in different states interfere to make education in some measure compulsory, moral improvement has by no means kept pace with intellectual training. The second report of the Massachussets Board of Education, at the head of which is a person of distinguished ability and learning, Mr. Everett, speaking of the constitutional rule, that no books shall be used in the schools which favour the tenets of any particular sect of Christians, and of the existing scarcity of such books, announces the publication of a series of religious works intended to form a school library. "One series for children, another for maturer readers."

"Each book in the series is to be submitted to the inspection of every Member of the Board; and no work can be recommended but upon their unanimous approval. Such a recommendation, it was believed, would form a sufficient assurance to the public, that a sacred adherence would be had to the principle which is embodied in the legislation of the commonwealth, on the subject of school-books, and which provides, that school-committees shall never direct to be purchased, or used, in any of the town schools, any books which are calculated to favour the tenets of any particular sect of Christians."

And therefore a series of constitutional books are in preparation, which are to teach religion in the general; and if they are to teach any religion worthy of the name, and yet to be free from all peculiar doctrines, I shall be curious to see them. Appended to this document is another report from the Secretary of the committee, Mr. Horace Mann, who discloses, without intending it, the results which have followed from a secular education.

"In my report of last year," he says, "I exposed the alarming deficiency of moral and religious instruction then found to exist in our schools. That deficiency, in regard to religious instruction, could only be explained by supposing that school-committees, whose duty it is to prescribe school-books, had not found any books at once expository of the doctrines of revealed religion, and also free from such advocacy of the tenets of particular sects of Christians, as brought them within the scope of the legal prohibition."

Indeed, my Lords, I should have wondered if they had.

"And hence they felt obliged to exclude books, which, but for their denominational views, they would have been glad to introduce. No candid mind could, even for a moment, accept this as an evidence of an indifference to moral and religious instruction in the schools, but only as a proof that proper manuals had not been found, by which the great object of moral and religious instruction could be secured, without any infringement of the statuary regulation. A knowledge of the deficiency, then for the first time exposed to the public, has turned the attention of some of the friends of education to the subject, and efforts are now making to supply the desideratum. Of course I shall not be here understood as referring to the Scriptures, as it is well known, that they are read in almost all the schools, either as a devotional, or reading book."

And therefore books are to be prepared, which are to answer all the purposes of religious instruction, without inculcating any religious doctrine to which any sect of Christians objects: an undertaking, which if the *literati* of America shall accomplish, I shall admit, that they have achieved, what till then I must believe to be an impossibility. My Lords, I pursue this line of argument, not for the purpose of disparaging the value of intellectual education, but of shewing that it is even worse than valueless when wholly dissociated from religion; and especially with respect to those classes which form the bulk of the community. Intellectual refinement may perhaps give additional strength to those principles or feelings, such for instance as the principle of honour, which in the higher ranks of society may preserve men from the commission of crime, may fill up those vacant hours which would otherwise be given to gross and debasing recreations, and may serve, as far as this life is concerned, as a substitute, however imperfect, for religious principle. But it is not so with the poor. If they have not religious principle, they have no principle at all. I have exposed the system which in America, in some at least of the United States, effectually excludes religion from the schools. Mr. Mann speaks of the exclusion as "alarming." Let us now see the results. In the State of New York, 500,000, out of a population of 2,000,000, are at school; one-fourth of the whole. Yet crime is rapidly increasing. In Connecticut, education is still more extended; and nearly one-third of the population is at school; and yet crimes multiply to a frightful extent. The truth is, that the effect of merely intellectual education is, not to diminish the numerical amount of crimes, but to alter their character and complexion; to diminish violence, but to encourage fraud. In Russia, where there is no such thing as popular education, out of 5,800 crimes committed in a certain period, 3,500 were accompanied with violence; while in Pennsylvania, where education is general, out of 7,400 crimes, only 640 were with violence; one-twelfth, instead of three-fifths as in Russia. The records of our own criminal courts exhibit proofs of the same results as flowing from mere intellectual education. The intelligent and pious chaplain of the New Prison at Clerkenwell, says, in his report of last year;—

"Your chaplain finds daily, that those whose intellects have been most cultivated, are generally the most depraved. Three of the best so educated, now in prison, have been committed, one eight times, another seven or eight, a third twice."

The same clergyman, in his report for the present year, repeats his statement; and he assures me, that the experience of each succeeding year serves to confirm him in the truth of it. But, after all, my Lords, I would not be understood to speak disparagingly of the intellectual part of education; nor to assert that the system, which now prevails in our schools, is by any means perfect. On the contrary, I have on more than one occasion told the clergy of my own diocese, that the education usually given in our National Schools is susceptible of great improvement, and I have exhorted them to labour at improving it. I see no reason why instruction in many branches of human knowledge may not be advantageously given in our schools, provided always that it be so given, as not to subtract from the time and attention which ought to be devoted to the grand and primary object of all. I do not see why, for instance, geography, and history, and the elements of natural philosophy should not form subjects of teaching; and especially if they are connected, as to a great degree they may be, with the study of the Bible itself. Far from weakening the taste of the learners for that sacred book, they will, when judiciously interspersed in the course of religious instruction, give a fresh zest to their scriptural lessons, and make them recur with pleasure to the most important study of all. But, my Lords, this work of improvement has begun, and is steadily, if not rapidly proceeding; and therefore, there is no reason why the Government should interfere with our system. And when we speak of the imperfections which still lessen its efficiency, we ought to remember the difficulties with which we have had to contend in setting forward this great work; the state of things five and twenty years ago, the experimental nature of our plans, the inadequate means we have possessed for carrying them into effect, the ill-qualified hands with which we have been obliged to work our machinery. But still, much has been done; more is now doing; and much more will be done by the Church, if the State fulfils its duty, and provides her with the requisite means. And this brings me, my Lords, to another most important branch of the subject; upon which I almost fear to enter, after having already trespassed so long upon your Lordships' patience; but as it may perhaps spare you the infliction of another speech upon the bill of the noble and learned Lord, to which a great part of my remarks will be applicable, I shall venture to offer some further observations. I am by no means disposed to deny or call in question the right, or the duty, of the State, to interfere in the important concern of education. Whatever of necessity affects the moral condition, the usefulness, the well-being of the people at large, and, in its results, the very existence of social order, must fall within the scope of the State's directing and controlling power. Looking at it only as it concerns the duty, incumbent upon every Government, to prevent, and thereby to obviate the necessity of punishing crime, Education must needs be a State question. A good education, my Lords, that is, a religious education, administered by the teachers of religion, is by far the cheapest, as well as the most effective measure of police which any Government can adopt. My right rev. Friend on my left has, with great feeling and eloquence, depicted the evils which have resulted in the more populous districts of the kingdom from the neglect of Government in not supplying this want. My Lords, if one-tenth part of the vast sums of money which have been expended within the last few years upon the erection of gaols, and houses of correction, and penitentiaries, and asylums, had been laid out fifty years ago in building churches and schools, it would, I verily believe, have saved the outlay of a great part of the remaining nine-tenths. But the right of the State to interfere being thus admitted, then arise the questions, how, and how far, and in what direction, and by what means, is that interference to be exercised? And these are questions, my Lords, which cannot at once be determined in the general, by a formulary which shall be equally applicable to all countries, at all times, and under all circumstances: but the solution of the problem must very much depend upon the peculiar features of each separate case. For instance, the same kind and degree of interference which is practised in Prussia, where a despotic government can drive a whole community of Protestant dissidents beyond the limits of its dominions, or, on the other hand, arrest and imprison two archbishops of one of its established churches, may not be suited to the institutions and habits of a free country. Yet the example of Prussia is that which the Central Society of Education holds out for our imitation; urging the adoption of measures which are calculated to pave the way (and I am not sure that the first stone of the road has not already been laid) for the establishment of a system, which the people, it is admitted, are not yet prepared to submit to; a system, which invests the Government with the whole control and direction of national education, arms it with powers to compel the people to send their children to be educated, and educated upon its own plan; makes, in short, the Government the universal pedagogue, the sole trustee of all charitable funds for education, and the whipper-in of all loiterers in the chase after useful knowledge. But, my Lords, the question of the State's interference in the business of education, as far as our own country is concerned, is in a great degree settled and determined. The State has already interfered, legitimately as I think, and effectually, by establishing a National Church, a great instrument of education, which ought to conduct the whole process, as far as religion is concerned: for let us not forget that education is not the mere training of childhood and youth, but the continued teaching of an immortal being; and therefore it is not to be confined to the walls of a school, but is carried on in the Church. The clergyman is to continue what the schoolmaster has begun. The Church then, in this country, is the only recognised medium of communicating religious knowledge to the people at large; and where there is an Established Church, the Legislature ought to embrace every fit opportunity of maintaining and extending the just influence of the clergy, as ministers of religion, due regard being had to complete toleration. I am using not my own words, but the words of an enlightened and philosophical friend of education, Mr. Leonard Horner, who fully admits this principle, although in the mode of working it out he may not entirely agree with me. At least, my Lords, it is the duty of the Government, and I am sure it is its interest, not to do anything which may lessen and impair, much less destroy the Church's efficiency. But this I am persuaded it will do, if it does that to which its advisers are urging it; namely, take the whole business of popular education out of the Church's hands into its own; appoint inspectors, choose schoolmasters, select school-books; in short, do every thing but chastise the boys in person. My Lords, these are functions, which the Government, as such, is not competent to undertake, in this country at least. It is not competent either practically or constitutionally. It is not practically competent; for how is it possible, that four or five political personages, holding office at the pleasure of the Crown, or, more properly speaking, of the House of Commons, whose time and thoughts are of necessity occupied with far different matters; whose habits of life are not likely to have been such, as to qualify them for so delicate and difficult an office, should exercise their functions, as superintendents of general education, with all the knowledge and all the discretion requisite for such a task? and what security have we for any thing like permanency of principle, or consistency of operation, in such a body? Will they not, of necessity, be acted upon, and moved as puppets, by a few artful and designing persons behind the scenes, who will pull the strings from time to time, and make the Privy Councillors gesticulate, and excite the mirth or the sorrow of the bystanders; and will themselves do all the mischief, without incurring any of the responsibility? If this be not the case, if they are not mere tools in the hands of a party, active but unseen, there is yet an alternative. The functions, which they cannot perform themselves, they will delegate to their secretary, who will thus become the sole arbiter and director of popular education. And what security have we, that their secretary shall be a member of the Established Church; that he will not be a Socinian, or a Roman Catholic; nay, what security have we for his being a Christian? My Lords, I would not speak disrespectfully of any of her Majesty's Privy Councillors, and I hope I may not have given offence by the comparison which I have made; but it is forced upon me by the symptoms, which I think I have already discovered, of this fantoccini process, in the recent movements of the Committee of Privy Council. I must again say, that such a body can never advantageously discharge the duties which they seem disposed to take upon themselves, but must be in the hands of others, who will act without responsibility, and will probably misuse their power, to the injury of the Church. I repeat it, then, the State, having delegated its functions to the Church, as far as the religious education of the people is concerned, is not competent to resume them, nor to intrust them to any other body, except by a deliberate and solemn act of the Legislature in all its three estates. In asserting this, I do not claim for the Church the right of educating any other children than those of her own communion. I do maintain that she is, by the constitution of the country, the established and recognised organ of religious education; and she ought to have sufficient means for the discharge of her functions. If there be any, and many, no doubt, there are, who refuse to accept the education we offer them, let them seek instruction according to their own views and methods. Let them even be assisted by the State, if the necessity should arise; but let it be done in the way of charity to the dissidents from our Church, not as a matter of right: at all events, let it not be so done as to make it appear to the people, that the Government withholds its confidence from the Church, and is desirous of withdrawing from its parental care and teaching, those who might under that care be brought up as its intelligent and attached members, but under a different system will become its prejudiced and dangerous foes. It is chiefly, though not entirely, because the Government plan is calculated to disparage and weaken the Church, that I so strongly disapprove of it. Why not continue, at least for some time to come, the system of encouragement pursued for the last six years, by giving pecuniary assistance towards the erection of schools, through the two great Educational Societies? I do not mean to say, that the principle involved in that system is free from objection; or that it is altogether consistent with those which I have laid down. But almost all theories, when reduced to practice, must in some cases give way to unforeseen necessity, so long as no vital nor essential principle is compromised. At all events, we have not been disposed, nor are we now disposed, to question the propriety of those pecuniary advances to the two Societies alluded to, for the same objects, and under the same restrictions. For here, my Lords, lies the difference between those grants as administered by the Lords of the Treasury and the proposal of the Committee of Privy Council for the distribution of future grants. *They* were made to two established Societies, whose principles and regulations were well known; and they were made upon certain fixed conditions, to meet local subscriptions in certain proportions. In the first instance, Parliament voted a sum of 20,000*l.*, experimentally, for the promotion of education. Schemes for education were not then so rife as they are now. The Chancellor of the Exchequer, however, very properly insisted at the time, that certain fixed rules should be laid down for the distribution of the money. Those rules were accordingly made, were uniformly acted upon, were made known, together with the operations resulting from them, to Parliament, who thereupon saw fit to renew the grant; and so on from year to year; the Church making no remonstrance; but obtaining, by means of its larger contributions, by far the greater portion of the money. We knew then what we had to expect; we knew how the money would be distributed, and we acquiesced in the fairness of the rule. But under the new scheme we have not the least notion what we are to look for. I have no doubt, but that the noble President of the Council is sincere, when he says, that they mean to act upon the same general principles as the Lords of the Treasury acted upon. But they give us no security for their doing so. On the contrary, they reserve to themselves the liberty of departing from those principles, by certain regulations which will serve as loop-holes for them to creep out of their general rules, and to destroy their effect. I allude particularly to their departure from the principles of regulating the amount of aid by that of local subscriptions, and of making the two Societies the channels of that aid. By breaking through these restrictions, they make the plan of their proceedings quite indefinite, and therefore to be regarded with suspicion. My Lords, I am not prepared to say, that a plan may not be devised, by which the general object of promoting popular education might be entrusted to some public body, reserving to the Church the exclusive direction and control of religious education in her own schools; but this must be done by an act of the legislature, after accurate inquiry and mature deliberations; and for this the time is not yet come; for the information hitherto obtained by Parliament, on the subject of education, is far from being complete or correct. Independently of my objections to the Government scheme now under discussion, as derogatory to the Church, and justly liable to suspicion, I cannot but think that the time for attempting this innovation has been exceedingly ill-chosen. The system of administering the Parliamentary grants was working well; true, it was in some sense only a temporary system; but if it had worked well for a time, and on a limited scale, why not try it for a longer period, and on a more extended scale? It is a singular reason to give, for adopting a new system, that the old one had done its duty satisfactorily. My Lords, that new system, I feel it my duty to declare, is one, which opens the door to a continually increasing latitudinarianism. Its beginnings may be but small; but the principle of evil is there. It may be only the seed which is now sown: but it will fall upon a congenial soil, well prepared for its reception; it will be carefully tended and well watered; and before many years are elapsed, will bring forth a plenteous harvest of bitter fruit. But I shall be told, that according to the principles upon which I insist, it will never be possible to educate the children of Churchmen and Dissenters together. My Lords, I fear, if these discussions are forced upon us, looking to the feelings which they are likely to excite, that such may indeed come to be the case. And if it should, it would be a more desirable result, than could follow from bringing them up together, upon the express or implied condition of their not being taught the distinguishing doctrines of their respective communions; that is to say, of suppressing what they respectively believe to be religious truth. Such a system could only engender a disregard for all truth.

But, my Lords, it is not impossible, even with an adherence to these principles, to educate in the same schools the children of Churchmen and Dissenters. I have had some experience in the management of schools, as well as my right rev. Friend, both in the country and the metropolis, and my experience has taught me, that such a joint and common education in Church schools is by no means impracticable, under discreet and judicious management. I have myself had the principle direction of a large national school, in which children of every denomination, Jews not excluded, were receiving education. I know that it requires judgment and kindness to maintain that state of things; but it *is* possible to avoid giving offence to reasonable Dissenters, without compromising any important principle of the Church; and in the case to which I allude, the Dissenters were content to leave their children in our hands, satisfied, in general, that the essential truths of their own creeds would be taught in every school which was in connexion with the Church of England. If anything be calculated to put an end to this state of things, and to render it impossible to give a common education to the children of parents who belong to the Church, and of those who differ from it, I think it is the conduct of those who are perpetually charging the Church with bigotry and intolerance, or with the inculcation of false doctrine, and who may thus impose upon us the necessity of asserting more strongly our own principles and rights, and of drawing more tight those bands of discipline, which we have to a certain degree relaxed in some instances, for the sake of bringing the children of all denominations within the Church's beneficial influence. If such be the result, we must come at last to a separate education; nor do I believe that children are the more likely in after-life to regard their brethren with less of the spirit of Christian charity and kindness, because they were educated apart from one another, without any misunderstanding or collision upon religious subjects: whereas the inevitable result of their being educated together, upon the plans now recommended to the public, would be to teach them to regard the fundamental principles of Christianity as unimportant, because they are to be carefully kept out of sight, and made to appear to them as matters of less moment and interest than those branches of merely secular knowledge, which are to be sedulously taught to all, for the purpose of qualifying them for their occupations in this world, without any reference to their prospects in the next. The most rev. Prelate who moved the resolutions alluded to a report on the subject of normal schools, made by a very eminent man, Professor Thiersch, justly celebrated for his classical learning, especially for his knowledge of the Greek language. Speaking of the seminary for teachers at Kaiserlautern, he says—

> "Many arguments recommended the division of the seminary for teachers according to the confessions of faith. I know and respect the motives which dictated, that in the circle of the Rhine both confessions (Protestant and Romanist) should be united in a single seminary, in the advantages of which even future rabbies should partake. But it is conceivable, and the experience of other countries shows that it is found to be so, that when seminaries are separate, toleration may be secured both among teachers and communities; indeed that this is more effectually attained, the more each confession is secured in its real wants. Amongst these wants, it would seem that the education and instruction of the persons, to whom elementary schools are to be intrusted, must be specially included; and as such an education cannot be conceived, unless its basis be firmly laid in the knowledge of some Christian confession, then the division of seminaries, according to the modes of faith, as happens in Nassau, in Prussia, and, perhaps we may say in every other country, is necessarily required."

The Minister of Education in France, in a circular addressed to the Prefects in 1833, said—

> "It is in general desirable that children, whose parents do not profess the same religious opinions, should early contract, by frequenting the same schools, those habits of mutual good will and toleration, which, at a more mature age, will grow into justice and union. It may, however, be sometimes necessary, even with a view to the public peace, that separate schools should be opened in each commune for each faith."

If, therefore, we should be driven to this system in England, I do not apprehend any serious detriment to the cause of charity or of the Christian church. My Lords, I have only one other observation with which to trouble you before I sit down; and it relates to the inexpediency, to use no harsher term, of any attempt to withdraw the superintendence of popular education from the clergy of the Established Church. It is always important, my Lords, upon subjects, respecting which the opinions of men are much divided, to learn the sentiments of persons of enlarged and philosophic minds, remote from the scene of contention, and at a distance from that turmoil of political conflict which is so likely to obscure the judgment, and to prejudice the minds of those who are engaged in it. It is for this reason that I am desirous of quoting to your Lordships the opinion of a very eminent person, M. Cousin, who has laboured much in the cause of education, and whose valuable reports to the Minister of Education in France, are no doubt well known to you. But before I adduce his testimony, it occurs to me that I may very properly introduce another witness, and request your Lordships to hear the sentiments of a body of men nearer home—not less enlightened or less philosophical—who have expressed and left on record their sense of the importance not to say the duty, of entrusting the education of the country to the clergy, and of not separating in any case the instruction of the people from the ministry of the Established Church. The report of a Committee of the House of Commons on the subject of education, made in 1818, said:—

"Your Committee have the greatest satisfaction in observing, that, in many schools where the National System is adopted, an increasing degree of liberality prevails, and that the Church Catechism is only taught, and attendance at the established place of public worship is only required of those whose parents belong to the Establishment."

After recommending the adoption, under certain material modifications of the parochial school system of Scotland, the report says—

"Your Committee forbear to inquire minutely in what manner this system ought to be connected with the Church Establishment. That such a connexion ought to be formed, appears manifest; it is dictated by a regard to the prosperity and stability of both systems; and in Scotland the two are mutually connected together." "To place the choice of the schoolmaster in the parish vestry, subject to the approbation of the parson, and the visitation of the diocesan, but to provide that the children of sectarians shall not be compelled to learn any catechism, or attend any church, other than those of their parents, appears to your Committee the safest path by which the Legislature can hope to obtain the desirable object of security to the Establishment on the one hand, and justice to the dissenters on the other."

The report of M. Cousin said—

"The fundamental principle of the government of the Schools of Primary Instruction in Prussia, is, that the ancient and beneficial union of popular instruction with Christianity and the Church, shall be maintained in a suitable proportion, under the supreme direction of the State, 'and of the Ministry of public instruction and worship. In every case the clergy form leading members of the committee.' "I ask," he said, "whether we desire to respect the religion of the people, or to destroy it? If we undertake to destroy Christianity, then I admit we must take care not to have it taught in the schools of the people. But if we aim at quite the opposite result, we must teach the children the religion which civilized their fathers; and we must let the clergy fulfil their first duty, that of watching over the teaching of religion." "Religion is, in my opinion, the best, perhaps the only basis, of popular instruction." "The more I consider the subject, the more I converse with the directors of the Normal Schools, and with the advisers of the Ministry, the more I am persuaded that we must at any price come to an understanding with the clergy respecting the instruction of the people, and make religious teaching a special and carefully conducted branch of instruction in our Primary and Normal Schools."

He goes on to say—

"I am well aware that these counsels will be displeasing to more persons than one, and that at Paris I shall be thought a Methodist; and yet I write, not from Rome, but from Berlin. He who thus addresses you is also a philosopher, once the object of suspicion, and even of persecution, to the priesthood; but that philosopher has a heart superior to personal insults. and is too well acquainted with human nature and with history not to regard religion as an indestructible power—Christianity, properly taught, as a means of civilizing a people, and a support necessary for individuals, upon whom society imposes painful and humble duties, without any future of worldly prosperity and consolation of self-love."

With these words, more eloquent than any that I could use, I might well take my leave of the subject. I may, however, add a similar expression of opinion from the report of the Commission of Peers made in 1833, which says,—

"The Ecclesiastical authority ought to be represented in the education of the youthful population, as well as the civil." "The people's school is a sanctuary, and religion has the same claim to be there, as in the church or the chapel."

I hope, my Lords, that I have already guarded myself against the objection that may be made against me, as claiming for the church the superintendence of the secular as well as the religious parts of education; and against the argument, that the two may very well be separated, and the latter alone left in the hands of the Church. I hope I have already shown that the attempt to separate religious education from secular, is a fatal mistake. It is the union of the two, in all the sanctity of the one, and all the present usefulness of the other, which must constitute a complete and consistent education—such an education as I readily admit the Church is bound to attempt to give to the people—which the Government is bound to provide the Church with the means of giving; which means if the Church possessed, that she would use them faithfully and effectively, is proved by her present strenuous and unparalleled exertions to multiply schools, to enlarge the circle of instruction in those schools, and to increase the efficiency of those to whom their administration is intrusted. I have now to thank your Lordships for the patience with which you have listened to me; and I have to assure her Majesty's Ministers, that, in the line which I have felt myself called upon to take on this occasion, I have been influenced by no feelings of hostility towards them—no desire to embarrass them. I am well aware that it is my duty, as I am sure it is my inclination, to support, as far as I can, any measures which have received the approbation of the temporal head of our Church. But there is a higher duty than this—a duty which I owe to the Sovereign herself in that character, and which binds me, stedfastly, and without flinching, to resist any measures, from whatever quarter proposed, which in my conscience I believe are calculated to undermine the Church, or to impair its efficiency and usefulness. My Lords, I cordially support the motion of the most rev. Prelate.

Lord *Brougham:* If the rev. Prelate who some time ago rose to address your Lordships, had occasion to regret the late hour of the evening, and state as a reason for doubting whether he would be favoured with the attention of your Lordships, how much more reason have I to be afraid who rise at this still later period of the night. I must first say, a more able, a more convincing, and a more concise speech it has never been my fortune to hear on so diffuse a subject than that of the right rev. Prelate; a more temperate and a more candid speech I have never heard upon a question, above all others, calculated to excite the feelings, connected as it is both with politics and religion. But I can use no discretion in the matter. I am obliged to take part in the discussion after what I have heard from the rev. Prelates (the Bishops of London and Exeter), and to a certain extent, but only a small extent, after what fell from the most rev. Prelate. If any person had entered this House after the greater part of the speech of the rev. Prelate (Exeter), if that person had not heard the speech of my noble Friend, the President of the Council, or had never read the papers upon the subject of education which are on your Lordships' Table, could he ever have conceived, for one moment, that the right rev. Prelate's speech was at all bordering upon, or in the slightest degree, had any reference to the discussion now before your Lordships? Could any man, for one moment, dream, considering that he only heard the very able and very elaborate speech from the rev. Prelate, separated from the general text, that above all things religious instruction is favourable to the morals of the country, and is beneficial in forming the character of the people, is provided for in the Ministerial plan? Could any man, for one moment, hear the right rev. Prelate charge the noble Lords, my Friends in the Government, that they are ready and willing tools, only waiting the to be taken up by the Central Society for Education—that they were ready made tools, anxiously waiting to be put to use by the Society for the Promotion of Religious Equality—a society of which I have heard for the first time to-night. I put it to the candour of your Lordships, whether any person entering the House, without having heard the speech of my noble Friend, or having read those papers which are now lying before me, could he, by possibility, my Lords, believe, after hearing the eloquent and elaborate declamation of the rev. Prelate, against an irreligious education being highly demoralizing to the country—I put it to you, my Lords, is it possible that he could have conceived that speech was used as an argument against a plan of education, on which it is fairlyand fully set out in the paper the motion is founded, and which was staring the rev. Prelate in the face during the whole of his speech, that the fundamental quality of the plan is, that there shall be a general and especial religious education; that it is to be combined with, and is to imbue the whole manner of instruction; that a chaplain is to be employed to conduct the religious education of the children belonging to the Establishment in every school, and that the parent or natural guardian of every child was to have free liberty to instruct him in the principles of his own religion? My Lords, could any man fancy, that that speech was directed against a plan of which these were the fundamental principles? Surely the Central Society must repudiate this principle. One would think we were discussing a general scheme for the education of the people:—all the apprehensions and alarms were pointed at this—all the mischief apprehended, or affected to be apprehended, is to be derived from a general system of education—compulsory in its nature—in the hands of the Government—irreligious—based on a design to pull down the Established Church. "Anti-Christian" was the term applied to it in one petition,—"Popish," by another, —and one petition, culling both the flowers, applied them both—probably thinking that "Popish," was "Anti-Christian." But what is the plan? No general system whatever. A mere Minute of Council, recognizing the doings of a certain function by four Members of the Privy Council, which heretofore had been done by one: namely, the superintending the distribution of the annual Parliamentary grant, and establishing one normal school, this last having been abandoned. I am sorry for it. I wish there had been any ground for the change respecting this; I complain of the system as not going far enough. I regret that the Government, in deference to the senseless apprehensions of some—the miserable affectations of others—and the foolish prejudices of the rest—have pared down what ought to have been a general measure for the education of the people, into a mere plan for founding a single school in London, and appointing a Committee of their own body, to superintend the grant of 20,000*l.* or 30,000*l.* I am mortified that Parliament is not ready to do its duty to the people, that after twenty-five years spent in deploring the want of public instruction in this country, after it has been by all parties confessed, that the people of England are less educated than those of Central Europe, and only better educated than the people of Spain or Italy; I am ashamed of our inglorious singularity in this respect, of our shameful exception to the character of the age in which we live, that after all that has been confessed, even by the right rev. Prelate, of the utter inadequacy of our present means of education, that all we have been able to "screw our courage" to, has been the asking Parliament for a paltry 30,000*l.*, and appointing a committee of noblemen to distribute it. But it is still more mortifying to find, that there exists millions in this country who have been so far childish, thoughtless, and unreflecting, as to be led away by the cry, the clamour, the vulgar exploded outcry of danger to the Established Church! while 20,000*l.* a-year has been annually distributed by Government at their discretion, without any such cry being raised. How much must I fear then for Friday, when I bring forward my plan, which is to furnish every parish with the means of affording to all classes, without distinction of sects, the benefits of education. However, my Lords, I must do my best to defend the plan of the Government, which, as far as it goes, is in the right direction, and which is only to be attacked by ignorance and misrepresentation. My Lords, one great error which pervades the whole argument of the right rev. Prelates, I wish to clear up at the outset, because, till the terms on which we are contending are rendered intelligible, we are but fighting in the dark. If there is one proposition more dwelt upon than another by the opponents of the Government plan, when they condescend to argue, which is but seldom, it is this,—that to the Church the State has committed the religious instruction of the people, and that therefore the Clergy should have the secular education of the people. First, they claim a right exclusively to educate the children of their own persuasion. How is it possible that there can be any plan of education based upon the exclusive right of the clergy to teach the children of the Church? Are no Churchmen to be suffered to send their children to be educated by the Dissenters? Take care, however, that you do not give some preference to Churchmen over Dissenters. Remember that funds raised by the representatives of all, should be applied to the benefit of all. But, then, it is said that the Church should be provided by the State with ample means for giving secular instruction to all classes, Churchmen and Dissenters. How is that to work? The members of the Established Church are to teach not only secular, but religious instruction? Of course they can teach none but their own religion, to the Dissenter's child as well as the Churchman's. That is impossible; unless, indeed, the Dissenter consents. But how is his consent to be obtained? And if you cannot get it, are we to allow you the exclusive appropriation of money voted for general instruction? For, after all, though you may think this a vulgar point, it is a necessary one—it is that on which the whole dispute really arises. If the clergyman is to teach his religion to all classes, the Dissenter will not send his child to be, as he thinks, "perverted," or as the Church thinks, "converted," and thus he will lose the benefit of a grant, towards which, nevertheless, he contributed; for it is not as with the two Bishops in the reign of James 1st, who asked one whether the King might not take his money? to which the answer was, "Assuredly;"—and on asking the other Prelate, he answered, "Please your Majesty, you may take my brother's money, for he gives it you." But the Legislature compelled the Dissenter to pay, and then it is proposed that he should not participate in the benefit of the grant. Well, is the clergyman only to give secular instruction? If so, for that the Dissenting teacher is, *ex concessis*, equally qualified. If he is to give religious instruction, therefore, the Dissenter is excluded. If secular instruction, the Dissenter is as well qualified. What is meant by leaving all instruction in the hands of the clergy? The right rev. Prelate said, that no men could be more unfitted to act as schoolmasters than her Majesty's Ministers—that they were incapacitated by other duties, and so on—and it was wittily suggested whether they were to whip the boys. Nobody ever dreamt of such a thing. The words of the Minute are, that the Committee of the Privy Council are to "consider all matters affecting the education of the people;" was it ever imagined that this meant they should see to the details of the education—to the books and slates used—to the declensions and inflections of grammar? Certainly, they might as well look to the operation to which I have just alluded, and on which I abstain from further remark.

The Bishop of *London:* I was not speaking of the Government plan at all, but of the plan which the Government were urging us to adopt, and of which, I understand, the present plan to be preliminary.

Lord *Brougham:* Really, my Lords, this is too hard, to have to defend not only the plan which is adopted and published, but a plan which I know nothing of—which nobody knows anything about—which may at some uncertain period, by some unknown person, be proposed; which has no existence, save in the fancies of imaginative individuals. But the argument is, that the Government are unfitted, by other duties, for the business of education. I wonder, my Lords, that the acuteness of the right rev. Prelate did not lead him to discover that other men besides her Majesty's Ministers had their time fully occupied. I have not heard for the first time to-night, that the clergy are a hard-worked and ill-paid class of men. No man knows this better, or has had greater opportunities of knowing it, than I have. They are hard-worked, ill-paid, inadequately lodged—so lodged, in many instances, that residence is made disagreeable to them, and thus great temptations are held out to them to violate a high and imperative duty, a duty, the observance of which is binding on their own consciences, and essential to the welfare of their flocks. I readily admit, that no class of men labour harder in their vocation than the working clergy of this country. I have often had occasion to pay them a humble, a grateful, and a sincere tribute for the services they have in many respects rendered to the cause of social improvement, and in particular to the cause of education. These have been rendered at spare times and by hours snatched from the more peculiar avocations of their sacred calling. But the attention of the clergy ought not to be diverted from the main object of their lives, the explanation of the doctrines of religion to the people. That is enough to occupy them, particularly when the visitation of their flocks, without which they never could adequately discharge their duties, is rigidly attended to. To say that to the duty of expounding and defending the truths of Christianity could be added that of superintending secular education, is a proposition so utterly monstrous, so destitute of all likelihood and possibility, that I must surely have mistaken those who urged your Lordships to intrust the education of the people to the clergy. Those are words without meaning, sounds without sense; words devised to get up a cry in favour of this plan, and excite a clamour against the Church. I deny, that the clergy can become the general instructors of the people, or have a right to teach anything more than religion, or can have any pre-eminence in the great and important business of education. They are, no doubt, teachers in the highest sense of the word—religious teachers; they are to teach religion, others were to teach learning. How far is this confidence in the Church to be carried? Is natural philosophy not to be taught by laymen? Is chemistry not to be left in the hands of surgeons and men of science, but confined to the ministers of the altar? How can they be made the teachers of secular instruction to the poor any more than to the rich? I cannot understand those who argue that intellectual learning is all very well for men of high station, because it might come to them in the aid of the lessons of honour, but that religious knowledge is adequate of itself to all the wishes and moral wants of the poor man. I believe, that in some cases the right rev. Prelate would be disposed to regard learning as a curse. My Lords, I do not understand this. I do not think the upper classes can dispense with the sanctions of religion any more than the poor. I do not agree in that code of moral laws laid down by the right rev. Prelate; if he will allow me to say so, I think he has laid down a very unsound doctrine. The distinction made by the right rev. Prelate is, that you might dispense more safely with religion in one class than in the other—the sanction of honour, he supposes is sufficient with men in a high station of life. [The Bishop of *Exeter*—Might be]. The right rev. Prelate said, that men in the lower station of life were not influenced by that sanction of honour which produced good effects in men of higher ranks. Now the sort of sanction honour gives is of a doubtful kind in the upper classes—to pay damages in certain actions rather than tradesmen's bills, to prefer paying debts of honour incurred in gambling, contrary to the law of the land, in preference to just and lawful debts; to take offence at a word, and go out and kill a man; to give up all intercourse with a neighbour, and friend, and relation who has refused to go out and kill a man. That is the code of honour of the right rev. Prelate. It is an odd, whimsical and grotesque code. I dont say anything against it? it is the moral dispensation under which we live, and which I should hope when the schoolmaster is abroad, some twenty years' hence will be entirely annihilated. I know of no such distinctions between different classes of society. I call vice, "vice"—crime, "crime"—unlawful conduct, "unlawful conduct," whether committed by a peer or a peasant; and whether honour induces the one to do what religion condemns, what law denounces, what morality adjures, what the feelings of the natural man abhor and despise, I call that wrong, I call it crime, I call it sin, whether it be committed in a high station or a low; and here the moral law, the secular doctrine of the schoolmaster, coincides entirely with the spiritual teaching of the priest. I know it is very often said, and indeed has been said to night, that the poor have too much to do in the way of gaining their daily bread, to cultivate learning. Those who say that are ignorant of their habits—are ignorant of their tastes—are profoundly ignorant of their capacities—and more ignorant of the salutary effects which that kind of tuition is calculated to produce. Why, there has existed for the last half century in the eastern part of this metropolis, a society composed of the humblest journeyman labourers, whose reading has been the mathematical sciences—confined to the most abstruse of those sciences. Five men out of those whom I now address, "who sow not, neither do they spin, who toil not any more than the lillies of the field," who have money, and funds, and teachers, as well as time at your command, not five of you, I would venture to say could read those books, which are complained of by this Society of journeymen artisans, as not profound enough in the mathematical sciences. Now, that is a fact, for I am connected in the publishing of those very works that are said not to be deep enough. Some of the works published by the Society to which I allude are most scientific, and they have had the greatest circulation among the working-classes. Indeed, men who have aprons round their haunches and paper caps on their heads, have come when their day's work was over, with their contributions to those scientific publications. It betokens great ignorance of their manners and customs—of their tastes and capacities, (and there is a habit of underrating and of crully depreciating their capacities and tastes) to draw the invidious line which I have often heard drawn between the upper and lower classes by saying that the delicacies of science are to be reserved for the upper classes. My Lords, I would ask why is it that the clergy are more than the laity peculiarly adapted to teach those primary objects of instruction? But I am told you must combine religious with secular instruction. Who thought of separating them? Not certainly the authors of this plan. Religion is to be combined with the whole matter of instruction, and not to be separated at all from it. The rule adopted by the British and Foreign School Society is this, that secular instruction is taught by secular teachers, and religious instruction by religious instructors. The most rev. Prelate said, that there was so trifling a distance for the Dissenters to come over to the Church, that it might be easily got over. Now this was the very creed of persecution—this was the very language of the inquisitor. "The difference between you and me," says the inquisitor, "is slight, and of such a nature, that I may compel, force, burn you into compliance. Mine is the true faith—mine is the faith endowed by the State—the State patronises me the State conscience is with me—it reposes in confidence upon me. Come you then over to me. What right have you to complain of the gentle force I use towards you? If I asked you to turn Mahomedan, or to preach atheism, and threatened you with the rack or with the fagot, you might indeed call me a persecutor; but I am doing no such thing; I am only asking you to do the most gentle and the most reasonable thing in the world. I ask you to get over a trifle, for which the Greek and Latin Churches in the ages of folly were mad enough to persecute each other. There is only an iota of difference between us. You are a Homoousion, I am a Homoiousion. Come then to us. Rest on our bosom—it is for the good of your souls, and I will make it for the interest of your body also." Expanded into the language of the inquisition, this was the argument used by the right rev. Bench. This was—

The Archbishop of *Canterbury* rose to order. The noble and learned Lord was doing him great injustice in fastening so invidious an argument upon him. He had said nothing that could justify such a misrepresentation. He had said that the Church was accused of intolerance, and in refutation of that charge he had said that the clergy had shown the greatest willingness to educate the children of Dissenters, and that the Dissenters had not objected to let their children receive that education, because they felt that the difference between them and the Church was trifling, and might perhaps be got over.

Lord *Brougham*. Nothing could be further from my intention. I quite agree with the right rev. Prelate (the Bishop of London) that the Established Church is much more tolerant in practice than in theory. But in what does the tolerance consist? Is it in permitting Dissenting children to be instructed in those schools in which the Church doctrines alone are taught? If you throw open the doors to Dissenters in those schools in which the Church doctrines, and the Thirty-nine Articles alone are taught, and the Dissenters are induced to go there, that does not prove that the Church of England is more tolerant, but that the Dissenters are either indifferent or insincere. You cannot view it in any other light. If the Dissenters are induced to attend at schools where the Thirty-nine Articles, which some of them term idolatrous, and others blasphemous (I am speaking the language of the Dissenters, not my own), this does not prove that the Churchmen are more tolerant, but that the Dissenters are either indifferent or insincere. It is one species of persecution to say "Come over to me," and it is another species to say, "There is little or no difference between us." My Lords, no difference conscientiously entertained upon religious matters can be slight. If any man says that he thinks the difference important, and that he honestly, and sincerely, and conscientiously, sets a value upon that difference, no man breathing has a right to say the difference between us is slight—we are to be listened to, and you are not—come over to us—endow us more, enrich us further, amplify our powers, enlarge our sphere of action, encourage us, discourage others. My Lords, from the earliest times, and among other persons, this has always been the forerunner of persecution. The most rev. Prelate is too humble-minded, too elevated in piety, too philanthropic and charitable to have any such ideas; and I will tell him, his own reading must have taught him, that these are the doctrines by which persecutors have worked in all ages, and wherever they have been allowed to act upon them, they have never failed in the end to arm themselves with the scourge, the faggot, the pincers, and the torch. Men who value religious liberty do not, in these days, dread anything that can be called persecution, but they do dread privileges and oppressive exclusions, preferences to one sect over another; and upon another thing they are absolutely determined, which is absolutely irreversible—they are resolved never to pay to man any tax to support education, if the fruit of the tax does not go to maintain education to which all shall have an equal access. My Lords, it never entered into my head to propose any general system of education, which would not be combined with religious instruction. It is a common thing to talk of the Revolution in France, as having undermined religion, and destroyed education, but I believe, even the warmest friend of the *ancien regime* will not assert that there was a very large amount of religion in France, just previous to the Revolution. The plan now before your Lordships is liable to none of the objections that have been urged against it, but the crime of not having been brought before Parliament. Who ever thought of introducing any general system of education without consulting the wisdom of Parliament? The law stands thus—the Ministry can give away a million of money to any person they please, without ever asking your Lordships whether you will or not—without asking your Lordships' consent. All they have to do is, to have a vote of the other House. The resolutions, therefore, merely ask the Crown to ask its Ministers to do so and so. More uncalled-for resolutions—anything more uncalled-for I have never seen. If there were any document to show that there was the slightest intention even to attack the Established Church—were there even the scrap of the letter of a Secretary of State, to show that there was any intention to make even the slightest attack on the Established Church, or the established religion of the country, as it has been called this night, I might understand holy men buckling on the armour of the faith. I could understand men meeting in vestries, and sending up 3,000 petitions, praying your Lordships to take decided steps against the antichrist, and for the preservation of our holy religion. But, my Lords, there is not a word, not one whisper against the Establishment; so far from that, there is a clear recognition of the Establishment, by the appointment of chaplains of the Church to every school. That, my Lords, is an integral part of the plan—that, my Lords, is the corner-stone of the plan. I have lived long enough, my Lords—too long—for I am ashamed to say, I have lived long enough to hear the cry of "No Popery"—"No Catholics"—"The Church in danger." Not one of those cries have I ever known to have arisen from any but the most insignificant of causes that the wit of man could possibly devise. In 1807 the whole country was convulsed—the Government was changed—England, Scotland, and Ireland were agitated by a general election, —the cry was "No Popery," "Rally round the altar and the Throne," for one never could be shaken without the other falling. Such was the language of the rev. Prelate tonight. Is there now one word said against the Church? Is there now a single whisper against the Establishment any more than there was in 1807? No one word or single whisper is heard of such a character. On the contrary, professions of attachment to the Church are numerous. In 1807 the cause of the cry of "No Popery" arose from a bill being brought in, to allow an Irish Catholic, who was a colonel in his own country, to hold the same rank upon coming to England. That was the real origin of the cry of "No Popery." Just as trifling is the cause of the cry now made. A single school is to be formed for the purpose of teaching teachers. In that school, the Established Church is to have a chaplain of that single school, who is to ruin the whole Established Church, and sap the very foundations of religion. My Lords, there is another ground of similarity; the bill in 1807 was only shown and withdrawn, still the cry continued; the proposed school is no longer even in existence as a proposition; it was only shewn, and at once covered up, and still the cry continues. When the atmosphere had cleared away, when the storm was dispelled, when the clouds no longer hung around, I won't say the Establishment, for that reared its pinnacles above, and no clouds even hung round its base —but when the clouds dispelled which had been obfuscating men's understandings, it was found that five years afterwards, the bill had passed in silence and neglect, and the first that we heard of it was a year afterwards, when it was found in the statute-book. This is not only matter of amusement, but it is pregnant with instruction. The men who now feel, and others who affect to feel so much apprehension about this harmless and trivial measure, will in a very short time forget it. Much more than this will pass, I believe will pass without exciting a single murmur, or whisper of discontent, or feeling of alarm. Now I venture to form a cheerful hope, which amounts to a sanguine expectation, that the same course will be taken now which was taken then, and men will begin to open their understanding to reason, will cease to make religious matter the ground and object only of feeling, but will make it matter of sound, moral, intelligent, reason also; and then I have not any fear of the work of education being checked by any clamour of danger to the Church, or of danger to the clergy, or of danger to religion; but I shall live to see the Parliament of England perform, at length, its too long-delayed and most sacred duty, of giving instruction to all classes, of all descriptions, all ranks, and all sects of people, upon the broad, universal, and eternal principles of religious as well as of civil liberty.

The Duke of *Wellington* confessed he was astonished at the admiration which had been expressed by the noble and learned Lord of the speeches which had been made by the most rev. and right rev. Prelates, the greater part of his own speech being directed at the same time to do away their effect, by the exercise of those powers of ridicule with which he was so liberally endowed. Indeed, it was not till within the few last moments of his speech that the noble and learned Lord had at all referred to the particular matter under discussion. The first of the resolutions which the most rev. prelate had moved was a mere statement of a matter of fact, which no one had disputed, and the last contained a conclusion to which the noble and learned Lord had little objected, except that there was no occasion, as he said, to ask the Crown not to introduce the system of education except by an Act of Parliament; because he could not think such a system could be introduced without an Act of Parliament. He, on the other hand, contended, that those Acts and Orders in Council did the very thing which their Lordships had a right to require should be done by an Act of Parliament, instead of by Orders in Council. It had been said by the noble and learned Lord who last spoke, and by the right rev. Bishop (of Norwich), that these Orders in Council did no more than had been done for years by Minutes of the Treasury Board. The fact was very much otherwise. Under the Treasury Minutes there was nothing further than a grant of money very much in the way of charity to those who in certain circumstances had subscribed a fixed amount, and who were to have the management of the funds; but certain conditions were required by the Board of the Privy Council, and it was essentially necessary that that House should entreat the Crown not to carry these measures into execution without knowing precisely what they were, and having the sanction of Parliament to them. He should vote for this address to her Majesty, in order that Parliament and the country might clearly know what those measures were which the Government intended to propose for the education of the people. The noble Marquess opposite had thought proper to put certain questions to the most rev. Prelate, which were afterwards answered by the right rev. Prelate, who succeeded the noble Marquess in debate. But, begging the noble Marquess's pardon, he thought it was the duty of her Majesty's Government to state clearly what their intentions were, and what share they intended the Church to have in their education of the people; and not to require from the most reverend Prelate, aud the right rev. Prelates generally, what the intentions of the Church were on this subject. The noble and learned Lord stated, that the regulations proposed by Order in Council were really nothing at all, that there was something brought forwards and afterwards withdrawn. But it appeared to him that there was something put forward which was very important, something not at all unlike what was put forward of late years in the Irish system of education. Now, he always understood that this principle was intended to be restricted entirely to Ireland, and he was quite sure it would not answer in this country. It appeared to him that these resolutions would authorise the use of the Douay version of the Scriptures, and the versions of the scriptures of the Unitarians, the Anabaptists, and others, including even the followers of Courtenay, who had been more than once alluded to in the course of this debate. Now, what he desired to know was this, whether the people of this country, having founded the Established Church on the principles of the Reformation 200 or 300 years ago, they should now be called upon to raise taxes in order to educate the people in the tenets of Popery, or the systems of the Unitarians or the Anabaptists. This he thought the people of England were entitled to know; and to demand that the projects, if entertained, should be regularly brought before Parliament and the country in the usual way. This was not the way in which the plan ought to be introduced into the country. If no such thing existed, ought not they to be so informed? But if there was such an intention, ought they not also to be informed of what really was intended? He begged the noble and learned Lord's pardon; but that Order in Council was not so quiet or so innocent as he had endeavoured to make it out to be. Even in the noble and learned Lord's own view, it was not so harmless with respect to the Established Church. He had read some of the noble Lord's speeches on this subject, and he saw in his speeches, and in his publications on this subject, that he more than once stated the great advantage arising to education from private benevolence. Let them then see what was likely to be the consequence of this system upon private benevolence. The order in Council stated positively this—"that if any school accepted any money from the public"—mind, that the Board of Treasury having required that half the sum should be subscribed by private benevolence; but then if they accepted money from the public, "it should immediately come under the direction of the Board, and be liable to inspection." Did this say that there was to be inspection by the clergy? Did it say that the clergyman of the parish was to have superintendence over that school? There was no question here of rich and poor, so that none of the arguments of the noble and learned Lord, which he had displayed with so much ability, could be found to apply—they fell to the ground. But if the money was granted, the clergyman was excluded, and the school came under the inspection of the Board. He begged their Lordships to look at this resolution of the Committee of Council, and then ask themselves the question, which of them would make themselves liable to the inspection of this officer, appointed by the Committee of Council? What were the questions which this officer of inspection would ask from them? "Have you the Douay version of the Bible?" "Have you the Bible of the Unitarians?" "Have you that of the Anabaptists?" He wished to know which of them would make themselves liable to questions of that description regarding schools which their benevolence thought proper to establish in their neighbourhood, or in places under their influence throughout the country. The consequence then would be to deprive the clergy of their superintendence. The schools would lose not only the value of the superintendence of the clergy; but this system, small as it was said to be by the noble and learned Lord, must go greatly to impede the tide of benevolence. Then they had a right to call upon her Majesty's Ministers to stir themselves on this subject; but they had also to entreat of her Majesty not to allow such a system to be carried into execution in the country without allowing Parliament the opportunity of fully discussing it, and thus doing their duty to the public. Nay, it would be necessary for them to do this, even for the purpose of doing their duty to the system of education, and particularly to the system of education by private benevolence, by having this system fully investigated or explained before they allowed it to go one step farther. Even at that late hour, he had felt it to be his duty to call their attention to what was, in his opinion, the real question for the House to determine. He hoped that he detained them but a very few minutes in doing so, and he thought that the noble and learned Lord would admit, that not only would the clergy have good reason to complain of it, but those who founded schools of private benevolence would have reason to complain also.

Viscount *Melbourne* should be very well content to leave this subject to be determined by the speeches which had been made by his noble Friend, the President of the Council, and the noble and learned Lord who had just addressed them; but considering the great importance of this question, and considering the nature of the motion that had been made, it might perhaps be expected that he should address a few words to their Lordships before the debate terminated, and he promised they should be few at that late hour. After the long discussion in which they had been all engaged, it appeared that they were all agreed in the point they had in view. They were all agreed as to the extending of the education of the people—they were all agreed as to the benefits of education, and they were all agreed that the benefits of education should be diffused; but yet it was very strange that, in a matter so plain, so just, and so true, that something should occur to prevent them carrying into effect intentions in which all were agreed, because they were unable to come to an agreement as to the manner of carrying them into effect. It would be still more remarkable, if they admitted that they all participated in the one object, and if they all admitted the advantages of the great object which they proposed to support, and yet that there should be some incomprehensible obstruction to their carrying the object of all their efforts into effect. This was a matter which, if it did take place, might cause some to laugh and some to weep, and he was afraid it would afford to those satirists who disparaged human nature, the means to find some food for satire, and some matter upon which to plume themselves. He trusted, that their Lordships would not, on the present occasion, adopt the resolutions proposed by the most rev. Prelate, which would throw a great obstruction in the way of that object, which they all had equally in view. The right rev. Prelate who presided over the metropolitan districts, in the course of a very able speech, had stated his objection to the present measure, and the apprehensions he entertained respecting it. He did not deny all the facts stated by the right rev. Prelate. There might possibly exist a party hostile to the ecclesiastical establishments of this country, and who were hostile to the monarchical institutions of the country. There might be that party. They knew that there were very violent opinions upon all manner of subjects, and very possibly the designs of persons holding such opinions were such as they had been described to be by the right rev. Prelate; but he only denied one part of the right rev. Prelate's statement, where he was pleased to assert, that her Majesty's Government was in the hands of that party. The right rev. Prelate was pleased to say, that her Majesty's Government were in the hands of that party—that they were guided and directed by them like so many puppets, and made use for their purposes—that all their power and all their influence were directed to carry into effect the ends of these persons. Now, he denied that there was any foundation for any motion of that sort. He knew not what the rev. Prelate meant, or what he designed, but of this he was perfectly certain, that there was no foundation whatever for the apprehensions the rev. Prelate entertained. The rev. Prelate had also pronounced a high eulogium upon the clergy of the Established Church, and stated the exertions and efforts they had made in the cause of education. He had not the slightest doubt this eulogium was fully deserved, but the rev. Prelate had introduced it by a statement, "that it had not been stated in express terms in this debate, that the clergy were hostile to the diffusion of knowledge." Stated in express terms! Why it had not been hinted at. It had not been insinuated by any person. Nobody said anything of the kind, and he only wished to take notice of it, for whatever reason introduced, in order that it might not be supposed, that any person in that House had uttered any imputation or insinuation whatever against any part of the clergy of the Established Church, against their conduct, zeal, industry, or any part of their merits. Unquestionably, he had listened with great satisfaction to the speech of the most rev. Prelate who had introduced this motion. It was a very temperate and able speech, but in it there was much that had no immediate reference to the question before the House, and he had sought for and lacked any sufficient grounds for the motion with which the most rev. Prelate had concluded. In fact, the objections which the most rev. Prelate took to the present measure appeared hardly to lay grounds for so strong a censure, especially when he considered the previous arrangement for the distribution of the grant by the Treasury, and which had the unqualified approbation of the most rev. Prelate. Many of the objections which the most rev. Prelate took to the Committee of the Privy Council applied with equal, if not greater force to the jurisdiction which unquestionably for four years had been acquiesced in of the distribution of this grant by the Lords of the Treasury. The most rev. Prelate said, that the Committee of the Privy Council were party men, and that, therefore, these grants would be given for political purposes, and with a political object. Was this charge never brought against the Treasury? Was it supposed that nothing of this sort ever took place there? He knew it to be so: but that was not the general opinion on this subject, and he should have thought, that with common feelings and ordinary notions, perhaps a Committee of the Privy Council might be supposed as little objectionable as the Lords of the Treasury. The rev. Prelate (the Bishop of London) felt, that he put himself out of Court by any approbation of the distribution of the grant by the Treasury, that it was evident that any objection that lay against a Committee of the Privy Council would also lie against the Lords of the Treasury, but that there was this difference, that had been overlooked, a difference pointed out by the noble Duke, namely, that the Treasury pointed out the grounds on which they went, they told the principles on which they proceeded, whereas the Committee of the Privy Council worked in the dark. The Committee of the Privy Council certainly meant to depart from the rules laid down by the Lords of the Treasury in one or two instances. They meant not always to ask for a proportional subscription from those to whom they gave money. The most rev. Prelate said, that in some instances this rule was evidently right. It was clear, that if they only gave money to those who subscribed, it was evident that they would be giving it to the most wealthy, and in the greatest proportion to those who were most wealthy, and, therefore, unquestionably it was right to depart, in some instances, from that principle laid down by the Lords of the Treasury. If their Lordships did not place confidence in the Committee of the

Privy Council, if they would not give them the distribution of this grant, if they had not so much confidence in them as to allow them to decide in what cases they should dissent from the principles, unquestionably they would be right to deny that confidence; but it was in the highest degree unreasonable to suppose, that with respect to proceedings done quite openly, that steps taken in the face of all mankind, which were known to all, and which were laid before Parliament, and which related to a sum of money to be voted annually by Parliament, that there should be a degree of suspicion and diffidence, surprised him, and it appeared to him in the highest degree absurd to deny that confidence, unless they were prepared to deny all confidence whatever, and to say, that they entirely distrusted the authority of the Committee of the Privy Council. The noble Duke opposite said, that if parties accepted grants of money under these terms, they would subject their schools to the inspection and direction of the Privy Council. The most rev. Prelate admitted, that nothing could be more fair, if they gave public money to schools, than that Government should be enabled to ascertain whether the money was rightly bestowed and applied, and whether the schools were managed according to the rule proposed. That was all they had to submit to; they did not ask them to submit to any direction whatever, or to control or command; they only asked them to submit to what was reasonable on the part of Government; to ask from those who received aid from the public purse—namely, that Government should be allowed to ascertain by inspection how that money was applied. It appeared to him, that there were Parliamentary and constitutional objections to the last resolution moved by the most rev. Prelate. That resolution was for an address to the Crown, praying the Crown not to take any step to establish this measure finally, without giving their Lordships an opportunity of giving their opinion upon it. The resolution did not say, that the Crown had exceeded its power or prerogative, or that it had done anything that it had not a right to do with respect to the exercise of that prerogative; but if the Crown thought proper of its own right and prerogative to do what it had a right to do, an Act of Parliament was not necessary for that purpose. There was no reason for resorting to Parliament for what could be done simply by the prerogative of the Crown. He thought it would be wise and prudent in their Lordships to pause before they adopted the address which was intended to be moved. They never well knew what was likely to create alarm, and to raise a cry, but he must say, that this was one of the most idle and unfounded cries that was ever raised, and he was extremely sorry, that it had been taken up as it had been by the right rev. Prelates, and he would only add, that their Lordships would neither consult the course of proceedings which they ought to take, nor their own dignity, nor the interests of the country, if they adopted those resolutions.

Viscount *Melville* rose to protest against this measure being introduced into Scotland. He could assure her Majesty's Ministers, that it would meet with a very cold reception north of the Tweed.

Lord *Brougham* said, that was the first time he ever heard of the people of Scotland refusing to participate in a grant of the public money.

The Marquess of *Lansdowne* said, that it certainly was intended to extend this measure to Scotland. He begged to say, that he would take the sense of the House upon the previous question, and if that were not carried he should move the omission of certain words in the second resolution, so as to reduce it to a mere annunciation of a matter of fact.

The House divided on the previous question: Contents Present 171, Proxies 58—229—; Not-Contents Present 80, Proxies 38—118: Majority for the first Resolution 111.

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FOR.	AGAINST.
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Earl of Dalhousie	Lord De Mauley
Earl of Leven	Lord Kinnaird
Earl of Orkney	Lord Segrave
Earl of Carnarvon	Earl of Shrewsbury
Earl of Courtown	Lord Carew
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Wrottesley
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Byron
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Berners
De Freyne
Hatherton
Seaford
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Paired off.

FOR.	AGAINST.
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Sherborne	Bradford
Leven	Kinnaird
Wallace	Lovat
Manners	Sutherland
Orkney	Segrave
Courtown	Carew
Essex	Morley
Dalhousie	De Manley

The Marquess of Lansdowne then moved, that the words to which he had previously referred be omitted; amendment adopted and the amended resolution with the remainder of the resolutions were agreed to and were ordered to be presented to her Majesty by the whole House.

Lord Cloncurry entered the following protest against agreeing to the Address to her Majesty on the Archbishop of Canterbury's Resolutions on Education.

Dissentient,

1. Because the Church of England, as by law established, has been for three centuries in possession of great wealth, and, being entrusted with the education of the people, have not performed their duty in that respect, as has been proved by the gross ignorance of the peasantry, more particularly in the vicinity of Canterbury.

2. Because the Church of England established in Ireland, infinitely more wealthy than the Church of England, had, for seventy years and upwards, the disposal of enormous parliamentary grants, and of other vast funds, for the support of charter and other schools, into which a catechism was introduced, teaching the Roman Catholic children, that their parents were wicked and damnable heretics, thereby destroying the most endearing duties of social life; and the charter schools were ultimately and of necessity closed in consequence of their proved immorality, and the pollution in some instances of the infant scholars by the masters.

July 5. CLONCURRY.

* * *

HOUSE OF COMMONS,

Friday, July 5 1839.

MINUTES.] Bills. Read a second time:—Inland Warehousing.—Read a third time:—Bankrupt Liability; Prisons (Scotland); Paper Duties; Brick Duties.

Petitions presented. By Sir W. Molesworth, and Mr. D. W. Harvey, from Lancaster, and Southwark, for a Uniform Penny Postage.—By Lord Stanley, from Lancashire, against the Government plan for National Education.

METROPOLITAN IMPROVEMENTS.] Sir *R. Inglis,* seeing the right hon. Gentleman the Chancellor of the Exchequer in his place, begged to ask, in reference to the report of the Committee on Metropolitan Improvements, whether it was the intention of her Majesty's Government to introduce any bill this session founded on the recommendations of that report?

The *Chancellor of the Exchequer,* in reply to the question of the right hon. Baronet, had to state that communications had been entered into by the Treasury, with the view of ascertaining whether, with reference to the public interests, they could act on the report and recommendations of the Committee. In consequence of the favourable nature of the answers received a bill had been prepared on the subject; but in the meantime he had discovered that a private bill had passed through the House, empowering the city of London to borrow money on the security of certain of the city funds for the improvements of the approaches to the new London-bridge. Such being the case, and that bill having gone almost to the stage of a third reading in the House of Lords, he had felt it to be his duty to take the opinion of the law-officers of the Crown, whether that bill might not interfere with the intentions of the Government, and deprive the Treasury of their power to act as they had proposed. While perfectly ready to undertake what the Committee had recommended, he could not do so unless that could be effected without imposing additional cost upon the public. Therefore until he was assured that the city funds were perfectly adequate to the purposes for which they were sought to be applied under the provisions of that bill, without the imposition of new burdens, he should not proceed with the bill which he had prepared.

DISTRESS IN MAYO.] Colonel *Perceval*, not seeing the noble Lord the Secretary for Ireland in his place, begged to ask the right hon. the Chancellor of the Exchequer a question on a subject of considerable importance. It had reference to the distress at present existing in the county Mayo. He wished to know whether Government had it in contemplation to do anything, or had done anything to put an end to the existing distress in the county Mayo, described in a letter, which he held in his hand, from a highly respectable Catholic clergyman of Newport in that county?

The *Chancellor of the Exchequer* wished that the hon. and gallant Member had put the Government in possession of the letter he referred to beforehand, in order that his noble Friend might have been prepared to answer his question. He could not help observing to the hon. and gallant Gentleman, that the less there was of discussion about such cases in such a manner in that House the better for all parties. He doubted whether the course taken by the hon. and gallent Member might not have a tendency rather to increase than to diminish the distress he alluded to.

Colonel *Perceval* would be quite ready to take any course pointed out to him as likely to put an end to the dreadful distress he referred to. At the same time he scarcely thought he was open to the lecture he had received from the right hon. Gentleman. In a case of such crying distress he could not let a day pass without endeavouring to ascertain the intentions of Government. It was actually stated that in the town and neighbourhood of Newport, to which the letter he had read particularly referred, hundreds of persons were endeavouring to live on one meal a-day, composed of "lumpers," the worst kind of potatoes, aided by wild spinach. Surely such a state of things as was confessedly existing in this county called for the immediate intervention of Government.

Mr. *O'Connell* protested against the assumption by the right hon. Gentleman that any discussion either in or out of that House could increase the misery now existing on the western coast of Ireland, particularly in the County Kerry and County Mayo. The second crop of potatoes had failed, and it was of the utmost importance that something should be immediately done to alleviate the misery produced by this and other causes.

Mr. Sergeant *Jackon* could also speak to the misery existing on the south-western coast of Ireland, in Cork and Kerry particularly. He had received four letters from the neighbourhood of Bandon, which stated that in a district, where the population was 7,000, there were 3,000 persons bordering on starvation, and 1,000 in a state of destitution. A very small extent of relief on the part of the Government would save these unfortunate people from perishing.

THE BUDGET—POSTAGE DUTIES.] The House in Committee on the Post-office Acts.

The *Chancellor of the Exchequer* then rose and said—Sir, I cannot commence the observations which it is my duty to address to the House on the present occasion without very earnestly expressing a hope that the House will not omit to pay to the statement of the financial affairs of the country for the present year that attention which its high importance calls for; and I express that hope with the more confidence, because on many occasions during the present Session I have met from both sides of the House many very generous allowances and a great deal of indulgence. Sir, I wish to explain to the House my reasons for the course which I now propose to take. The resolution with which I am about to conclude is one undoubtedly of the utmost importance, as I shall endeavour to show, to some of the highest and best interests of the country. But it is also of much importance in a financial point of view; and for that reason I think it but just and right that the House should be made aware of the actual financial condition of the country, before it is called upon to decide upon another proposition involving very important financial considerations. My observations, therefore, on the present occasion, will naturally divide themselves into two branches;—first, an exposition of the existing state of the finances of the country; and secondly, an explanation of the proposition which I am about to make—a recital of the authorities in this House for and against that proposition—and a recommendation on the part of the Government, that the House should at least enter upon the consideration of that proposition, accompanied, however, with one condition to which I hold it to be inseparably united. Adhering to this course I proceed at once to the first portion of the duty which I have assigned to myself, namely, the explanation of the present state of the finances of this country. I cannot approach that subject, without first calling the attention of the House to the new position in which, to a certain extent, the House and the Government of late, and more especially during the present year, have been placed. Upon former and ordinary occasions, undoubtedly, whether on going into Committee of supply or in stating the income and expenditure of the country, it was the object, and indeed it was felt to be the duty, of the individual to whom it fell to give explanations on the subject, to prove to the House that all possible efforts had been used to push the principle of retrenchment to the utmost possible extent consistent with the public service; he was held bound to prove, that every estimate had been confined to the least possible wants of the service for which it was intended, it was his business to be prepared to meet objections founded on views of economy. Such being the arguments the most likely to be urged by the representatives of the people. But I must remind the House that of late—and more especially in the course of the present Session—the relative positions of the two parties have been different—the government have not gone into one Committee of Supply without being threatened with amendments, not of the old character, and with a view to the reduction of the estimates, but, on the contrary, for the purpose of increasing them. If we proposed to go into the navy estimates, we were told, in contradiction to the assertions of the authorities presiding over the Admiralty, that the navy is unfit to represent the honour and to maintain the rights of England; and that the Government will forget their duty if they do not largely add to the estimates and greatly increase the navy. In like manner, when discussing the estimates for the marines, the ordnance, or the half-pay establishment—no matter, in fact, in what branch of the service—we are met at every turn, and under every circumstance, with complaints that we do not carry the expenditure of the country far enough, and invitations are given, nay, more, a little compulsion is often resorted to on the part of the House, to compel the Government to carry the expenditure for the different branches of the public service much beyond the scale and limits of the estimates. So, also, in like manner, as to the Miscellaneous votes. There can scarcely appear in the public prints, or there can scarcely be urged on the part of private individuals, any personal claim or any claim affecting a class, without our finding that such claim at once creates able, efficient, and I regret to add, sometimes successful advocates in this House, and thus the Government are at times compelled to propose votes which they never contemplated or considered to be necessary. I am not alluding to these things as matters of reproach, I mention them as matters of history. Again, Sir, alterations are made in our laws, pregnant, no doubt, with very great improvement; but, at the same time, attended with considerable expense. The system of responsible central control adopted — and I think wisely and effectually adopted—with a view to the improvement of many of our most valuable institutions, whilst it has effected an improvement and saving to the local public—if I may so designate the separate parts of the community—has cast upon the general public, as represented in this House, a new and increased expense; for instance, I am not disposed in the slightest degree to undervalue the amendment of the Poor-laws, on the contrary, I look back to my connexion with the Government which carried the measure for amending the Poor-laws as one of the proudest circumstances of my life; but the Poor-law, whilst it has saved to the counties and the agriculturists many millions, has at the same time entailed upon the general public, as I see by the estimates, an expense of no less than 73,000*l.* for the present year. In like manner this House was besieged with petitions, to give to the community at large, and more especially to the dissenting portion of the community, a good system of registration of births, marriages, and deaths. Well, a system has been devised which has obtained the assent of both Houses of Parliament. I presume, and believe, that the system is a good one; but, again, while the benefit has been conferred upon the public, that benefit has to be paid for, and it appears on the estimates in the shape of a sum of 20,000*l.* In like manner the tithe commission costs the country 32,000*l.* a-year; the factory inspectors 8,000*l.* a-year; the inspectors of prisons 5,600*l.* and there are many other charges of a similar nature which have only been introduced in later years. Thus while the country has had the benefit of a more extended and complete administration, of important and salutary laws, the burthen on the public has been much increased, and to meet that burthen, the House, in considering the ways and means, is bound to supply the funds required by previous votes in supply. In like manner there are many other matters of a pressing character which the Government has of late been called on to undertake. There is the great system of steam communication throughout the world—the steam communication with India, which costs the country 100,000*l.* a-year, to which the public contribute 50,000*l.* There have been, also, many measures of benevolence and charity undertaken of late years—there is the annual interest of 750,000*l.* upon the West Indian Loan for the emancipation of the negroes—the grant for the education of the negroes in the West Indies, which the Government has taken up; the vote of 30,000*l.* for the education of the people of this country, which the Government has most properly undertaken to assist and encourage. You have voted large sums for these purposes of benevolence and improvement; but while your improvements confer great benefits on the public, they also entail a large expense on the State. I may state as an instance, the communication which is the subject of my intended resolution, the transmission of letters. You have now a railroad communication open throughout a great part of the country, and of course the corresponding public have a right to the full benefit of such communication. The Government is bound to give it, and the public will not be satisfied without it; but it costs you a very large sum. On one single line of communication, one branch of the service, I had an opportunity lately of comparing the present expense to that incurred before the introduction of railroads, and I find the former cost of 7,000*l.* for the expense of the Post-Office, increased by a farther sum of 30,000*l.*, required in order to give the public the benefit of railroad communication. I am not complaining of all this; I am only showing the various causes which have compelled the Government, in modern times, to increase the public expenditure. Sir, the consequences of many of these causes—and I may add more especially the sense of duty on the part of the Government itself—have led in the present year to a great increase in the estimates; and to that, in the first instance, I wish to call the attention of the House. The estimates for the army, for instance, in the year 1838, were 6,322,000*l.*, while the estimates in the present year are 6,563,000*l.* The estimates for the navy in the former year were 4,811,000*l.*, and for the present year, 5,197,000*l.* The estimates for the ordnance in the former year was 1,546,000*l.*, and in the present year 1,732,000*l.* In short, Sir, on the three great branches of the public service there is an increase of 812,000*l.* on the estimates of the year, without taking into account any extraordinary expenditure for Canada. The increased charge for the year is, on the whole, 962,220*l.* What is my object in stating these things? I wish to bring practically before the House, when they view the general state of the finances of the country, that which they are very apt to forget—that when in Committee of supply, they are sometimes too prompt in incurring debts without considering their means of payment; and I wish the House to consider, at least, in future, that if they feel disposed, when in Committee of supply, to sanction any very lavish expenditure of the public money, they must not afterwards quarrel with the individual whose duty it becomes to call on them to make provision for such additional expenditure.

Sir, I shall now proceed to compare my statements in the budget of last year, with the actual results of the income and expenditure of this year; and then I shall proceed to make my statement of the probable income and expenditure of the year now to be provided for. This I shall do, abstracting for the present all consideration of the extra charges on account of Canada, to which I shall now allude only in passing, reserving more full particulars to a subsequent part of my address. Last year I calculated the income from the Customs at 20,795,000*l.*; the revenue from the Customs, however, up to the 5th April last, was 21,210,000*l.*; thus showing an improvement on that branch of the public revenue, and thus proving that the calculation I made was not excessive. The revenue from the Excise I calculated last year at 13,902,000*l.* It has, however, fallen short of that estimate, the actual amount of revenue from that branch having been, up to the 5th of April last, only 13,729,000*l.* The cause of this miscalculation was, that I apprehended I should have been right in taking the average of the two preceding years. I should have been 2,000*l.* over the mark, had I taken the average of the three preceding years. My calculation of last year, as to the stamp duties, has been exceeded. I assumed that the stamp duties would produce 7,001,000*l.*, but they have produced 7,043,000*l.* The taxes I calculated at 3,654,000*l.*; they have produced 3,700,000*l.* The Post-Office I calculated at 1,638,000*l.*; it has produced 1,674,000*l.* The Miscellaneous I calculated at 279,000*l.*, they have produced 474,000*l.* This latter sum, however, is not so much an excess, as a temporary accession arising out of a payment received from the Canadian Treasury, under the provisions of the Canada Act. The total amount of my estimate was 47,271,803*l.*, the amount actually received has been 47,833,118*l.* Here, then, is an excess of 561,315*l.*, and I think the House will see, that, calculating on so large an expenditure as 47,000,000*l.*, it would be scarcely possible to expect a nearer approximation, especially when it is borne in mind that this excess of 561,000*l.* is an excess of receipt, and not a saving of expenditure. [Sir *Robert Peel* inquired what sum was obtained by the corn duties?] I am glad the right hon. Gentleman has asked a question in reference to the state of the duties on corn, because a most singular misapprehension has prevailed, and has been circulated by the public press on that subject. Writers who argued with reference to the last year's revenue, had stated that it must be materially affected by the enhancement of the corn duties, they little thought, that high prices accompanied by low duties, although they cause a large importation of foreign corn, produce a very small amount of revenue. I know, that the right hon. Gentleman does not labour under the prevalent misapprehension on the subject, and I am therefore dealing only with the misapprehensions of others. I am able, in reply to his question, to state the difference between the corn receipts of the two years I have compared, which is the object he no doubt has in view. Those years are 1837 and 1838. The duties upon foreign corn, received in 1837, amounted to 306,860*l.* In the course of the last year they amounted to 146,000*l.*; so that if it had not been for the circumstance to which Gentlemen have attributed a large increase of the public revenue, there would have been a much greater revenue, which is just the reverse of what Gentlemen have suggested; but I shall advert to this subject again. To return to my general statement: I have shown the excess of the receipt to have been 561,315*l.* above the estimate of last year; but I wish I could, on that account, state, that on the whole the result was satisfactory. I regret to state, that the result is not so satisfactory as I could have wished, because, whilst the income of the country has exceeded my previous anticipation, the expenditure of the country has exceeded my estimate in a much larger proportion. That expenditure has exceeded my expectations very mainly by reason of the events in British North America; but there are other circumstances connected with the state of the country which have also added to it. I shall proceed now to compare my estimate of the expenditure with the actual expenditure, as I have compared my estimate of receipts with the actual receipts. The estimated interest of the public debt, funded and unfunded, was 29,350,000*l.*; the expenditure was 29,427,000*l.*; the other charges upon the consolidated Fund were estimated at 2,400,000*l.* They amounted to 2,383,000*l.* The estimate of the army is that upon which the main increase has taken place. For reasons which I shall afterwards explain it is put down to the army, but it embraces a considerable branch of expenditure to other purposes. The army vote was 6,322,000*l.* That was my estimate of last year. The expenditure has amounted to the sum of 7,201,000*l.* the cause of which I will explain as I pass on—I am merely dealing with the figures for the present. The navy estimates amounted to 4,811,000*l.*, and the expenditure to 4,690,000*l.* The estimate of the ordnance was 1,546,000*l.*, and the expenditure 1,381,000*l.* Therefore the total expense of these three branches of the service, the great services, will stand thus—estimate 12,679,000*l.*, expenditure

13,272,000*l.* The miscellaneous estimate was 2,545,000*l.*, and the expenditure upwards of 2,678,000*l.*, exclusive of 500,000*l.* for Canada. The total estimated expenditure of the year was 47,477,808*l.*, and the actual expenditure has been 48,263,444*l.*, showing an excess of expenditure of 785,636*l.* Now, Sir, any Gentleman who does me the honour of recollecting a statement which I made last year will bear in mind that I showed an apprehended deficiency of 206,000*l.* The actual deficiency produced by the excess of expenditure on the 5th of April, in place of being the estimated sum of 206,000*l.* amounted to 430,000*l.* That is a difference of 224,000*l.* Such is according to the balance sheet of April. The balance sheet of April, according to my last year's anticipation, should have exhibited a balance of 206,000*l.* That anticipation was formed without taking into account the extraordinary circumstances that have arisen in the course of the last year in Canada, to which I shall call the attention of the House hereafter, and I think the House will see, that it is not a very unpardonable fault that in the statement of the income, as well as the expenditure, there is a difference (not however greater than 206,000*l.*) between the anticipation made twelve months back, and the result as now shown. I certainly had feared the discrepancy might have been much more, and I am gratified at finding it is so little. Sir, before I go into the causes of this increased expenditure, I may be allowed to say a very few words on the subject of the income side of the account. I shall not trouble the House with details of the lesser branches of the revenue, but hon. Members will expect from me some account of the great branches of the revenue during the last year, in order to guide them in their calculations and anticipations for the next year. I hold in my hand a return from the Customs, giving an account of the increase of the last year as compared with the preceding; and I find that as regards the greater articles of importation, there has been, in many of the most important of them, an increase which, although not very great, has yet been steady and progressive. In the articles of sheep's wool, cotton wool, timber, wine (except some classes of foreign wine, in which there has been a small falling off), tobacco, tea, sugar, oil, and in many branches of spices, the increase has been, in some cases, 3, 4, 5, 6, and 7 per cent; and in others, the increase has been very much larger. In the article of sheep's wool, for instance, the increase has been 32 per cent., and in cotton wool 22 per cent. The various ratios of increase are fully stated in the return; but I will not at the present time trouble the House with the details. On the other hand, in some articles the Customs' duties have decreased; but with one exception, those are articles of no very great importance, nor is the decrease considerable. One of the articles is indeed of importance, raw and thrown silk; but the decrease is only three per cent., and the only article where the decrease has exceeded a small per centage is tallow, on which there is a diminution of nine per cent. But on the whole the Customs' revenue for the last year has been, on the gross return, most satisfactory, and evidences a most satisfactory state of trade. To pass to the Excise. On many of the most essential articles, there has been a considerable increase; on others there has been a diminution, but that diminution is to be partly attributed to the circumstances attendant on the last harvest. For instance there is a diminution in hops. There is also a diminution of five per cent. on malt. On bricks, also, there has been to a certain extent a decrease of duty. On those branches of the glass trade in which there has been no reduction of duty, there has been a small diminution in the amount received upon the year, but upon that branch of the trade as to which some years ago I had the honour of proposing a reduction of duty—I allude to flint glass—there has been a considerable increase. On plate glass, there has been a steady progressive increase, while there has been a falling-off on crown glass. But this must be taken with reference to the increased use of plate glass; for no person can pass along the streets without observing, that the use of plate glass has become one of the luxuries of the time. As compared with the three preceding years there is an increase of 15 per cent. on plate glass, and on flint glass of 6 per cent. On licences also there is an increase, and on the paper duties, on which I had the honour of proposing a reduction of the duty, there has been an increased revenue of 10 per cent. There is also an increase on both kinds of soap, and also on spirits. In short, I think there is nothing in the state of the Excise revenue, although the total amount is less than that at which I estimated it, that can for a moment create the slightest possible doubt or mistrust of the resources of the country. Where there has been a diminution in the revenue it has been connected more with the seasons than with any other cause. With regard to the stamps and taxes, I do not see that any observation is called for from me. My estimate has been exceeded in the return by a few thousands. Circumstances, however, will occur, on which it is impossible to calculate. The amount of legacy duty, for instance, may vary in particular quarters, without exercising any permanent effect on the revenues of the country. I will now proceed to the Post-office revenue and explain the reason why there is a falling-off in the receipts from that branch of the revenue. The gross amount of the Post-office revenue is as much as I had anticipated; but the reason why there is not such a large net amount of revenue from this department is, that the heads of that department have been exerting themselves in every possible way to promote and increase the accommodation of the public—for instance, the more frequent and general despatch of mail by railroad. This, as I have before stated, has led to an increase of expenditure, and to a consequent diminution in the net receipts of the Post-office. At the same time, however, there has been a gradual increase in the gross amount of the Post-office revenue, which is made obvious by a paper from that department which I have before me. This return takes a certain amount of revenue from each division of the Post-office, and shows the increase that has taken place in each class. On an amount of 120,000*l.* received within a certain period of last year on unpaid letters outward there has been an increase, within the same period of this year, of 9,000*l.*; on 114,000*l.* received during the same period for unpaid letters inland there has been an increase of 12,000*l.*; on 169,000*l.* received for letters by bye and cross roads there has been an increase of 7,600*l.*; on 53,000*l.* of the gross receipt for Scotland, there has been an increase of 4,700*l.*; on 62,000*l.* of the gross Post-office revenue of Ireland there has been an increase of 2,400*l.*; on 32,000*l.* for the twopenny post delivery there has been an increase of 2,800*l.*; on 18,000*l.* for the receipts from the West Indies and British North America there has been an increase of 1,400*l.*; and on 19,000*l.* which was paid for foreign letters, there has been an increase of 2,100*l.* Taking the same period also in the whole of the miscellaneous receipts, there has been an increase of 916*l.* Therefore, upon a total amount of 588,000*l.* of the Post-office revenue, there has been an increase within a comparatively short period, of 42,382*l.*, being an increase of nine per cent. on the April quarter of this year. A great many calculations have been made to prove the decay and falling-off in Post-office revenue; but the result, in this case, proves, that where there is a falling-off in the net revenue of the Post-office, it often happens, in consequence of greater expense incurred by that department, with the view of giving increased accommodation to the public. There is also an increase in the expenditure under the head of army extraordinaries. It is only just to my noble Friend, the Secretary at War, and the War-office, to state, that the greater part, or almost the whole of this increase arose in consequence of the extraordinary expense which it was necessary to incur in Canada, as I shall presently proceed to show. To those Gentlemen who are at all conversant with the nature of the expenditure from the military chest and in the colonies abroad, it is quite unnecessary to enter upon any explanations; but to others who have not had opportunities of becoming acquainted with matters of the kind, some explanation may be necessary. Suppose, for instance, that the Governor of Canada considers it necessary to order a steam-boat to be equipped; when the Governor directs this equipment to take place, he directs an issue for the purpose to be made from the military chest in order to defray the expenses. A bill is then drawn by the officer of the commissariat to raise the means of meeting this bill of the draft on the military chest. This bill is then sent home, paid and charged to military expenditure, ultimately, on the adjustment of accounts, it is determined to which branch of the service the charge belongs, and it is transferred accordingly; but it must be charged under this head at first, in consequence of the commissariat department having to make the advance. It is only in the settlement of the commissariat accounts that the final adjustment is made, when, after proper examination, the charges are apportioned and settled between one department and another. The expense incurred in Canada I shall now bring under the attention of the House, keeping back nothing, concealing nothing, distorting nothing, but putting the House as fairly and as fully as I can in possession of what I believe will turn out to be the maximum of charge under this head, the utmost to which according to probable circumstances, this country will be subject up to the end of 1840. I have not yet got the complete accounts to a later date than the 31st of March, 1838—that is, the complete and final accounts are not made up to a later period than that date; but I have the means of fixing what I believe will be found to be a correct estimate up to a much later period. I have received some accounts within the last three days, which furnish me with materials for this estimate. In consequence of not having got the accounts on this subject, my annual finance statement has been delayed, as it was essential that I should give as clear and full an account of the extraordinary expenditure for Canada as was possible. I repeat, the cash accounts have only been obtained within the last three days. I will first allude to the extraordinary expenses incurred in Canada, since the period when the circumstances occurred in that country to require this expenditure. The extraordinary expences incurred in Canada in 1837-38, amounted to 245,620*l.*; the extraordinary expenses in the following year was 701,400*l.*, making a total of 947,000*l.* of extraordinary expenditure for the years 1837-38 and 1838-9, that is, to the month of April, 1839. This included every article of extraordinary expenditure incurred in Canada, according to the best information I possess. A part of this amount has been provided for by a vote which has been taken on account of 500,000*l.* Deducting this sum from 947,000*l.*, there would remain a balance of 447,000*l.* to be provided for. This disposes of the expenditure of the two previous years. I now come to the possible expenditure of the present year for Canada. I shall assume the total expenditure which bears on the subject at 1,101,300*l.*, that is, for the year ending April 1840. I have already stated the maximum total expenditure for the last year, but there may be some charges which may not be placed to the proper account. I have taken the last cash accounts which I have received within the last three days and these are the only accounts which I have to deal with at present. Of this sum we have already provided for 594,700*l.*, which has been voted on the ordinary estimate. In the army, navy, and ordnance estimates, the ordinary charges are provided for. This I do not mean to deal with at the present, but there are certain other charges for ordnance extraordinaries, which may yet be required. Reserving this amount we have the sum of 594,700*l.* provided for by ordinary estimate. Deducting this from the gross charge of 1,101,300*l.*, there will remain a balance to be provided for of 506,600*l.* If this sum is added to the surplus of 447,000*l.* already stated as arising in the two previous years, it will appear that the total extraordinary expense incurred in Canada for the three years, and not yet provided for is 1,053,000*l.*

The Account stands thus:—

Estimate for 1839-40	1,101,300
Provided by Departments ..	594,700
Balance....	506,600
Additional Estimates for works in Canada	100,000
Total Estimate for 1839-40 ••	606,600
Balance of last year	447,000
	£1,053,000

N.B.—The sum on the Estimate for this year is taken at £1,000,000.

The amount, then, which the House has to deal with above the 500,000*l.* taken last year, is 1,053,000*l.*, which is undoubtedly a very large sum, and it is very much to be regretted, that such an expenditure was called for. It is not my purpose to enter upon a discussion of the Canada question; but I believe, that I shall have the concurrence of every Gentleman present, when I state, that in the situation in which Canada was placed, both in her external relations and as regards her internal tranquillity, the Government would have been guilty of the basest neglect of duty if they suffered any branch of the service to be in a less efficient state than appeared to Sir John Colborne and the other authorities in Canada to be requisite, or if they had refused to send out such additional force as was called for by them. The House knows perfectly well both the extent and the nature of the boundary which the military force in Canada has to defend; the general commanding there has had to provide in every way for the defence of the territory, and therefore a large military force is absolutely necessary. We had better, on every account, at once determine to give up the colony, if we ar not prepared to defend the inhabitants of the colony from attacks, from either foreign or internal enemies; and if we are determined to do so, it is our duty to do it effectively. I now proceed to state the nature of the force in Canada. The Horse Guards' return which I hold in my hand does not state the ordnance force in that country, as that is given in a separate return. I deal therefore with the other branch of the service only. In 1835, the military force in British North America was 4,611. So it continued in 1836 and 1837. For those three years this was the amount of the ordinary average force in those colonies. In January, 1838, the number was 5,089; in April, 1838, it was increased to 7,449. On the 1st of January, 1839, the number was 13,215 effective rank and file. I have excluded from this computation the artillery, because I have not got the return before me. In addition to this regular force, there is at present a very large irregular force in Canada. The number of the incorporated militia is 21,054, the number of volunteers actually enrolled is 3,775, and the number of local and stationary militia is 8,238; so that, in addition to the regular military force in Canada, there is this armed body of 33,067 men. I hope my hon. Friends will not think that I am anxious to lead them by this statement into a political debate; my wish and intention is to confine myself to the discussion of the finance question. The House will see that the increase of the regular force has been very great in Canada; but the increase of the irregular force there has been still more so, which necessarily must be attended with a great outlay. This, I think, will account for the additional expense of upwards of a million above the average expenditure for this colony. This great increase in the number of regular soldiers in Canada has been made without adding to the army, as we have been enabled to make a great diminution in the amount of the forces in Ireland. I need not add that this has been attended with a great diminution of expenditure there; and it is a state of things very different from what was the case formerly there, and mnst afford the greatest satisfaction to all persons. [Mr. *Goulburn.* Has the right hon. Gentleman stated the amount of the expense of the irregular force in Canada?] The exact amount of the expense incurred by that description of force is not before me, but I shall be most ready to furnish my right hon. Friend with any information in my power. The House must be aware that it is much more difficult to procure accurate returns respecting the charge for this description of irregular force, than for the regular army there. It would be much easier to furnish a return of the expenses of the whole of the British army in its quarters, than to give the details of the expenses of this irregular force in Canada. I was about to draw a distinction between the increased military establishment in Canada, and the diminished force which it is found necessary to keep in Ireland. In the year 1797, when the disturbances began in Ireland, the army then amounted to 79,000 men, and the expenditure was 2,600,000*l.*; in 1798, the number of troops in Ireland was 91,000, and the expense was 3,900,000*l.*; in 1799, the military force on foot there was 114,000, and the expense amounted to 4,100,000*l.*; in 1800, the military force there was 53,000; in 1810, it amounted to 35,000 effective men; in 1820, it was 20,900; on the 1st of January 1835, it was 16,347; and on the 15th of June, which was the last return, and the nearest approach to the present time for which a return could be made up, in the place of 35,000 men, which were maintained in 1810, there was required for the maintenance of the tranquillity of that country no more than 12,600 men. This was a smaller force than it had been thought expedient to keep in Ireland at any previous period since the time of the Union. It was thus owing to the tranquillity of Ireland that the Government had been enabled to make considerable exertions, and to dispatch a strong force to Canada, without much increasing the public burthens. If the state of Ireland at the present period had made it requisite to maintain an army of 35,000 men there, as was the case in 1810, we could not now have increased the military force in Canada to 13,000, without adding greatly to the number of men, and thereby incurring a great additional expenditure.

I have endeavoured to compare the estimate of income and expenditure for the last year with the actual accounts. I now proceed to state what I anticipate will be the income and expenditure for the next year. I have already shown to the House, that the amount of the estimates has been largely increased; I find that this increase amounts to 919,000*l.* The estimates of the Custom duties, as furnished to me by the heads of that department, and which I have the most perfect reason to trust to as accurate returns tested, as they have been by past experience, I take at 21,500,000*l.* The estimate of the Excise duties, taken on an average of the last three years, and being within a few pounds of the receipts of the last year, I take at 13,845,000*l.* The estimate of stamps I take at 7,054,000*l.*; of taxes at 3,694,000*l.*; of the Post-office at 1,585,000*l.*; and of Miscellaneous at 250,000*l.*; to which may be added revenue from the Crown Lands, amounting to 200,000*l.*; making together a total of revenue, according to the estimate, of 48,128,000*l.* Before I proceed further, I wish to say a word or two respecting the revenue derived this year from Crown lands, about which many mistakes, and great misapprehension seem to prevail. It has been asserted, that the Government did not obtain the amount which was carried to the public credit in the finance returns, under the head of Crown Lands, as revenue, but that it was obtained from the sale of Crown Lands. This is an entirely erroneous view of the subject; if we had done so, without explaining it to the House, we should have been guilty of a gross breach of trust and public duty. It is, however, no such thing; the whole amount that has been stated, as brought to account, was the produce of the income of Crown Lands. It has been asked, how is it that no revenue of the kind has been received or accounted for in former years? My answer is, that nothing of the kind has previously appeared, because this revenue had hitherto been absorbed in paying off a very considerable debt incurred and charged on Crown revenues for public improvements, and now that that debt has been paid off, this revenue is brought to account. If any Gentleman is not satisfied with this statement, I hope that he will renew the subject, and call for further explanation, which I shall be most ready to give. I do not anticipate that this will be requisite, though after the explanation given by me on a former occasion on this subject, it has been stated out of doors, that the public accounts had been mystified on this subject, with the purpose of misleading. I challenge any investigation on this point, and I trust, that if this explanation is not conclusive, some hon. Member will call for further explanations. I will now proceed to explain the probable expenditure of the ensuing year. I should estimate this at the ordinary expense of the year, without taking the extraordinary expenditure for Canada last year, which was 1,000,000*l.* I take the charge for the interest of the debt and Exchequer Bills at 29,443,000*l.*; the charge on the consolidated fund the same as last year, at 2,400,000*l.*; the army 6,563,000*l.*; the navy 5,197,000*l.*; the ordnance 1,732,000*l.*; miscellaneous 2,652,000*l.*; making a total expenditure of 47,988,000*l.* This would exhibit a surplus of income over expenditure — certainly of very small amount, but still an excess of income over expenditure—of 140,000*l.* I have made allowance for increased estimates to the amount of 900,000*l.*, but I have not hitherto made any provision for the extraordinary expenditure of 1,000,000*l.* for Canada, above the account contained in the ordinary estimates. This is not a state of things that can be regarded as satisfactory, and if I thought that the extra expenditure for Canada was likely to become a permanent charge, I should feel it to be my duty to come down to the House to propose, that provision should be made accordingly, and I should feel it to be my duty to propose a tax to meet this charge. But this amount of a million for Canada does not apply solely to the service of the present year, but it includes also an arrear of charge for services for two years anterior, and the whole of this extraordinary expenditure is not one which I should regret to contemplate as a permanent annual charge on the country. God forbid that Canada should continue to call for such an expenditure, and that we should not hope to see the time when this charge might be greatly or entirely reduced. If this expenditure arises from circumstances of a temporary nature, I do not think it would be prudent, or that I could with justice ask the House to impose a permanent tax to meet this charge. On some future occasion, when I have laid the papers on the Table of the House, I shall propose to provide for the deficiency that arises by a vote of Exchequer bills, in the nature of a vote of credit. I will not now go into the question, I merely suggest the course that I intend to take. I cannot however, leave this part of the subject without saying that while there are some matters which I have recited which are not satisfactory, it will be well to turn our attention to other branches of our finance which are in a more satisfactory state than they were last year. At this time twelve months there appeared on the balance sheet of the year to be a deficiency of 1,648,000*l.* In the year ending 5th of October, this deficiency amounted to 755,000*l.* and on the 5th of April it was reduced to 430,326*l.* Unquestionably there is every reason to apprehend, if there is no violent disturbance of the tranquillity of the country, that the finances will go on improving. And I may be permitted to remark, that if it was not for the state of excitement and disturbance that has prevailed, the financial situation of the country would have been free from all cause of alarm. I should not have had anything to explain of more than an ordinary nature, but the extraordinary circumstances which have occurred render this statement necessary. There are many circumstances connected with the great interests of this country at the present time, which it behoves the House well to consider as connected with the finances of the country, and which it will be necessary to deal with with great prudence. Is there any Gentleman in the House who has considered the circumstances in which we should be placed if we should unfortunately have a similar harvest to that of last year, and thus be exposed to the consequences of the failure of two successive harvests. Is it possible to look without dismay to what would be the probable results of another failure in the crops. It is satisfactory to find on the other hand, however, that the value of our exports has been increasing gradually and progressively and that the exports from this country last year were greater than any previous year except 1836, when the amount of exports were particularly large in consequence of the particular circumstances of the year. The amount of the exports of articles of manufacture of England and Ireland during the year ending April, 1837, was 42,000,000*l.*, while the exports for the year ending April, 1838, was upwards of 50,000,000*l.* The returns for the five months of this year show the same ratio of increase as there was last year. If, however, circumstances occur so as to cause the value of money to increase, and prices are affected, an important change will take place. If the prices of goods be decreased from such a cause, employment will be diminished and the revenue will be very soon considerably lessened; and I would ask under these circumstances whether it would not be alarming that a demand for food from abroad should occur in conjunction with such results. I am sure that I need not point out to hon. Gentlemen the difficulties that would arise from such a state of things. I hold in my hand a return which I perhaps should have referred to when I was asked by the right hon. Baronet a question on the subject of the corn-duties, when I stated in reply what a small amount of revenue was received from the duties on foreign corn last year, notwithstanding the large quantity imported into this country. The House has a right to know the quantity of foreign corn that was imported into this country, and the circumstances under which this supply was obtained. The quantity of wheat and flour imported into this country between the month of August, 1838, and the month of May 1839, was not less than 2,591,000 quarters. Taking the estimated value of this as nearly as it can be approached, I believe that it will be at least 7,126,000*l.* There is a most important consequence from this coincidence, which must be obvious to hon. Gentlemen who feel any apprehension for the great interests of the country, they should consider that this large quantity of imported corn is not the result of a steady trade and the consequence of a regular demand, but that it arises from a sudden deficiency in the produce of our own harvest, and which made it necessary that these imports should be paid for in money. It cannot escape consideration that this large importation of wheat has led to the diminution of the amount of bullion in the Bank of England. If it be regarded only as a coincidence it will still be found to suggest to the minds of hon. Gentlemen many important and alarming considerations. I refer to this as bearing upon the question of the diminution of bullion in the coffers of the Bank. If this pressure be continued on the Bank, and if there is a continued diminution of the stock of bullion, attended with a consequent effect on prices, and if the value of corn imported is proportionate to the drain on the Bank for gold, you will trace a coincidence not only deeply affecting the Bank and the portion of the trade I have just mentioned, but which must bring into jeopardy the best interests of the mercantile classes and of the public. [Sir *R. Peel* asked from what period the right hon. Gentleman took the returns of the imports of foreign corn.] I thought that I had already stated the account to be made out from August 1838 to May 1839. The average duty paid on this large amount of foreign corn was 1*s.* 7*d.* the quarter, while the previous year the duty was 1*l.* 5*s.* the quarter.

I have been accustomed on occasions of this kind to refer to the returns respecting the savings banks. Nothing can show the practical good sense of the people of England more clearly than the conduct of the depositors in the savings banks, and their disregard during the late period of excitement of the exertions made by ill-advised persons to produce a run on the savings banks. I cannot say whether this was done by Chartists or other persons. I know that some of the leaders of that class assert, that they would not lend themselves to such a proceeding; but others have done so, and have exerted themselves to the utmost to excite a run on the savings banks. In some places such a result has been produced for a short time. I relied, however, on the general good sense of the depositors and I felt confident that they were intelligent enough to know, that those who withdrew their deposists would be themselves the sufferers. This is the case now, because under the existing law it is much easier to withdraw money from the savings banks than to replace the amount. The mass of persons who are depositors in savings banks knew too well their interests and duty, to allow themselves to be led away by such excitements as I have described. I have before me the returns of the savings banks between the years 1834 and 1838. I will only take the two last years, and I find that in 1837 the amount of money received in the savings banks was 988,000*l.* while during the same period the amount paid out, exclusive of interest, was 810,000*l.* In the year 1838 the amount received was 1,495,000*l.*; while during the same year the amount drawn out, exclusive of interest, was 468,000*l.* This return proves how very slight has been the effect produced by the Chartist excitement. I also hold in my hand a return of the number of depositors, and the amount of their deposits, at the 20th of November, 1837, and the 20th of November, 1838, during which period there was much political excitement, and I find that the increase in the number of depositors during that period was 67,696, and the increase in the amount of money paid in was 1,793,439*l.* After this I think the House may place perfect reliance on the assertion that the depositors in savings banks will not be easily led away by any outcry or political excitement that may prevail. I have thus given a statement, as accurately as I can, of the probable state of the financial year, and I shall proceed to the second branch of my subject; the postage duties. I thank the House for the patient attention it has paid to the preceding part of my statement, and I shall now apply myself to the resolution which is before the House, and which I am about to move. I may be allowed, in the first instance, to anticipate an objection, and to answer it, as far as I can, by anticipation. Sir, it may be said to me—"By your own showing, and on your own statement, you have a surplus on the ordinary income compared with the expenditure not exceeding 140,000*l.*, while on the other hand, you have shown an absolute necessity of making good from the credit of the country a sum of no less than one million; how, then, are you justified in making a proposition that may affect so large a branch of the public revenue as that of the Post-office?" Sir, if my proposition were one to reduce the postage on letters to one uniform rate of a penny, without making good the deficiency of revenue which might ensue, I should expose myself not only to the censure of the House and of the public, but to the ridicule and scorn of men of common sense; but, Sir, this is not the proposition I am about to make, or which I should think myself justified in making. In all the communications which I have had with Gentlemen who feel interested in the subject, on both sides of the House, I have invariably maintained the same language to them; I have always asserted that I do not think it would become me to propose, and still less would it become the House to agree to a proposition, to make this great change effecting so large an amount of public revenue without, at the same time, and by the self same vote, pledging itself absolutely to make good the loss which may be sustained thereby, and I must say in justice to the various Gentlemen to whom I have stated this proposition, that I have not met one among them who is not prepared to sanction this view of the subject. Sir, I should never think of advocating any proposition like the present, unless coupled with this condition, and my resolution and my bill will include it—I repeat, Sir, and I state fairly to the House that I shall not think myself warranted in supporting the measure I now recommend to the House, unless it be accompanied by a distinct pledge that Parliament will undertake to make good the full amount of deficiency that may be occasioned by the alteration. The mode of proceeding which I shall propose is this: I shall propose a resolution, and if this is agreed to by the House, a bill shall be founded on it, and carried through both Houses of Parliament affirming the principle of making good the deficiency. By this course of proceeding, whatever the abstract merit of the proposition may be, I hope to satisfy the financial alarms and scruples of Gentlemen on both sides of the House. Had I proposed to effect the object merely by resolution, I might have satisfied some hon. Members, but on the other hand I have been met by hon. Gentlemen opposite with this objection, which I have already heard:—"Why proceed by resolution when, taking so serious a step? Do not let us be committed to the whole question by a single vote, but give us in a bill the opportunity of testing the measure in its various stages;" and I should be further required not to exclude from the deliberations on this very important measure, the other branch of the Legislature. I trust, Sir, that hon. Gentlemen on both sides of the House will think that in proposing a bill I have thus acted in the most advisable as well as in the most fair and open manner. What then, Sir, is the purport of the resolution, and what will be the purport of the bill? The purport of the resolution is this: that it is expedient to reduce the postage on letters to one uniform rate of one penny, chargeable on every letter of a weight to be hereafter fixed by law, the parliamentary privilege of franking being abolished, and the official franking being placed under strict regulations: this House pledging itself, at the same time, to make good any deficiency of revenue which may be occasioned by such alteration in the rate of postage. I propose, if this resolution is assented to, to introduce it into the preamble of the bill which I shall afterwards present to Parliament. If the committee will not pledge itself to make good the deficiency, I shall abandon the bill altogether. And should any hon. Gentleman on either side of the House undertake the management of the question under such circumstances, he will find me as steadfastly opposed to the measure, without this pledge, as the House will find me a steadfast, earnest, and eager friend of the measure, if I am given the means of carrying it into effect in the only way in which it can be honestly carried out. Before I enter further into the details of the plan, the Committee will allow me to say, that if there were at the present moment a surplus income of three or four millions, I might be very much disposed to say, that this was an experiment which, without any pledge at all, it behoved the House to make; but with an expenditure and income in the condition which I have explained to the committee, it would be clearly impossible for any person who reasons justly, or who properly considers his political duties, to say that we are entitled to place at risk a million and a half of the revenue of the country without at the same time binding ourselves to make good any deficiency which may arise. I wish in a few words to call the attention of the Committee to the manner in which this proposition comes recommended to their adoption. In the course of last year a committee was moved for, and acquiesced in by me on the part of the Government, to consider the subject of postage. Of that committee I may observe, that there are points in which I differ from their report, and on which, indeed, let me add, they differ from themselves—but yet I must admit, that a committee which took more pains to inform itself, whose collection of evidence is more valuable, as giving the opinions of many of the most intelligent persons of all classes in the country, I never remember in my parliamentary experience. They sat for many days, they examined a great variety of persons, and though the proposition I have to make differs from that which they have suggested, I fully believe they would have sanctioned it. They made a recommendation to the House, not for the adoption of a uniform penny postage, but for a general twopenny postage to be collected under certain regulations, and they considered that this twopence postage could be introduced without any loss to the revenue. Now, Sir, from the best consideration which I have been able to give to the subject, comparing one proposition with the other, and, above all, considering the evidence taken before the committee, I find the whole of the evidence, the whole of the authorities conclusively bearing in favour of a penny postage in preference to a twopenny postage. And, Sir, I am quite sure that in making an experiment of this nature, it behoves this House to set to work, not only fairly, and frankly, but largely, in order to come to a satisfactory result; further, I conscientiously believe that the public run less risk of loss in adopting the proposition for a penny postage than it would if we introduced a twopenny postage. But there is evidence beyond that of the Committee, The report, the evidence, and the whole subject have been for some time under the consideration of another tribunal—the public at large. An infinite number of petitions have been presented on this subject from all parts of the country and from all classes, and I readily admit the weight and authority of petitions. If I add, at the same time, an opinion that many of these petitions would appear to bear the marks of being manufactured petitions, I do not say this for the purpose of varying the conclusion to which I have come, but for the purpose of putting that conclusion on other grounds than the mere number of petitions or the number of signatures. While, however, I state, that many of these petitions bear this suspicious impress, I find that the mass of them present the most extraordinary combination I ever saw of representations to one purpose from all classes, unswayed by any political motives whatever; from persons of all shades of opinion, political and religious, from clergymen of the Established Church, from all classes of Protestant Dissenters, from the clergymen of Scotland, from the commercial and trading communities in all parts of the kingdom. It must, however, be remembered, that while the object of all these petitions is simply a reduction of taxation, an object for which all classes are ready to apply, the proposition now before the Committee is the reduction of the postage charges to a low uniform rate, but upon the express condition that any deficiency occasioned by this change shall be made up by the imposition of some other tax. The petitioners have therefore to consider, that it is not merely to carry their petitions into effect that I move this resolution, but to do it coupled with the condition of an additional tax, sufficient to make good the future deficiency. This, therefore, is the way in which this subject presents itself to the Committee. I must state to the Committee, and more especially after the petition which has been just presented by the noble Lord opposite, from the paper manufacturers of Lancashire, that I shall not ask the Committee at present to commit itself to any matters of detail. I ask hon. Members to commit themselves to the question of an uniform rate of postage of one penny at and under a weight hereafter to be fixed. I do not ask them to commit themselves to the question of stamped covers, or prepayments. I have my own opinion on these points, but they are matters which it is impossible to expect hon. Gentlemen to understand in the present state of the proceeding on which it would be premature to express an opinion or still less to commit individuals or Parliament. I will take, as an instance, the petition from the paper manufacturers to which I have alluded. If it were to go forth to the public to-morrow morning that Government had proposed and the Committee had adopted the plan of Mr. Rowland Hill, the necessary result would be to spread a conviction abroad, that as a stamped cover was absolutely to be used in all cases, which stamped covers were to be made by one single manufacturer, alarm would be felt lest a monopoly would be thereby created, to the serious detriment of the other members of a most useful and important trade. The sense of injustice excited by this would necessarily be extreme. I therefore do not call upon the Committee either to affirm or to negative any such proposition at the present.—I ask them simply to affirm the adoption of an uniform penny postage and taxation of that postage by weight. Neither do I ask you to pledge yourself to the pre-payment of letters, for I am of opinion, that at all events there should be an option of putting letters into the post without a stamp. It may be asked why the Government comes to the House for any resolution at all or for any bill at all on the subject, and it will possibly be suggested from the other side of the House that the object in making a legislative proceeding of it is to gain increased popularity by that mode of proceeding, being aware as we are that the change proposed is a very popular one. But this suggestion would be ill-founded. We might have effected many of the objects we have in view without a resolution of the House, or any legislative proceeding whatever; but we have come to the House on very different grounds. In the first place, if the resolution be affirmed, and the bill has to be prepared, it will hereafter require very great care and complicated arrangements to carry the plan into practical effect. It may involve considerable expense and considerable responsibility on the part of Government; it may disturb existing trades, such as the paper trade, and the existing arrangements, such as the conveyance of mails, the organization of many post-offices, &c. I, therefore, cannot think that Government would have been warranted in taking this step of its own authority, without the knowledge and the approval of Parliament. The step, indeed, is so important a one that even if we had a surplus revenue, we should not feel warranted in proceeding without the sanction of Parliament, though it might be competent in us to do so by law. It would have been indecorous, it would have been improper in the highest degree, it would have been indefensible, had the Government proceeded without coming for authority to Parliament. Even if we had a surplus revenue of five millions, we ought to have appealed to Parliament, but under the existing circumstances, it would have been altogether unjustifiable on our parts to have acted merely upon our own authority. Such, Sir, are the reasons which induce us to introduce the present measure. I will now proceed to state what are the powers which we ask for by the bill. We shall want in addition to the power the Treasury already possesses, a power, not only of reducing but a power of increasing the rate of postage, a power absolutely necessary to carry out the plan. At the present time there are Penny-post-offices established in various parts of the country, the regulations of which are analogous to those of the twopenny post in London, consequently, packets of four ounces in weight are conveyed at the rate of a penny within those districts. Now, we cannot obviously have a uniform rate of postage charged by weight without a power of increasing the rate of postage in these particular cases. To have a uniform rate we must reduce the weight to be carried in these districts to the scale which may generally be fixed under the proposed plan. I may remark here that there appears to exist in many quarters an erroneous idea that in the case of these penny postages the proposed penny postage will be continued in addition to the new rates; this is a misconception. The new postage will be distinctly and simply a penny postage by weight. I also require for the Treasury, a power of taking the postage by anticipation, and a power of allowing such postage to be taken by means of stamped covers; and I also require the authority of rating the postage according to weight, in place of rating it according to the single or double sheet. Such are the powers which we want under this bill; but inasmuch as they are very large discretionary powers, though we have many of them at our disposal already by law, I shall propose a clause in the bill rendering it necessary that these powers shall be exercised by Treasury warrants only, that copies of these warrants shall be laid on the Table of the House, and moreover, that these warrants shall only stand good till the end of next Session, so as to render legislation necessary in the course of that Session if this reduction should be continued. We only ask the power of making these changes on our own authority during the recess. Such, Sir, is the object of the bill which I mean to introduce. If the proposed revenue is to be collected through the medium of stamps, we must also take the power of issuing these stamps, of paying for these stamps, and of making the stamp revenue available for post-office purposes. The Committee may expect me to state what amount of loss may be likely to arise from this change. I shall not go into much detail on this point, because it must be at the best mere matter of conjecture, and not at all open to demonstration. Gentlemen may assume that this or that amount of correspondence will be created, but I believe that the ingenuity of no man can predicate with any degree of closeness what the future increase of letters will be. I am bound to say that my own anticipation is, that at the outset the loss will be very considerable indeed. I am of course, anxious that this resolution should be carried, but I cannot disguise from the House or the public the fact that in my belief the loss at the outset will be very great. I am the more bound to declare this opinion, because, if I did not now avow it, and if hereafter the loss does turn out to be considerable, and the House and the public should, therefore, be called upon to pay an equivalent to supply this deficiency the House might say, that I had given them no warning, that I had deluded them into a vote, and had paltered with the truth. But be the loss greater or smaller by the proposition before the Committee, this House will if it agrees to my resolution become bound to make it good. It has been suggested to me that on a future occasion it may be difficult to prevail on the House to fulfil its obligations. It is said, that the House will forget its resolution passed this Session, if hereafter called upon to make good a large deficiency; but this is a suggestion which I do not for a moment give ear to. I fully believe that those who support the present motion will act honestly, and will redeem the pledge which they are now called upon to give. If any Gentleman is not disposed to do so, let him now propose to expunge the latter part of the resolution, and simply vote for the repeal of the present postage charges. If they vote for the whole resolution, they will desert their duty to the House, to the public, and their own honour as gentlemen, if they do not hereafter sanction a new tax should it be rendered necessary by a deficiency. There is another point on which I have to say a few words, as to the abolition of the franking privilege. Undoubtedly we may lose the opportunity now and then, of obliging a friend, but on any other grounds, I believe, there is no Member of the House who will not be ready to abandon his privilege. As to any notion that hon. Gentlemen should retain their privilege under a penny postage, they must have a more intense appreciation of the value of money and a greater disregard for the value of time, than I can conceive, if they insist on it. As to official franking, my idea is, that with some few exceptions, which may be considered hereafter, the business of the various departments ought to be conducted on the principle that each shall pay its own postage. I am aware that it may be said this will practically amount to taking money out of one pocket and putting it into another, but I think that it will tend greatly to diminish the amount of postage paid in these offices, if each is called upon to include that postage in its own contingencies. I have, in conclusion, only to add my thanks for the attention which the Committee has given to my statement on these important subjects, and to assure the Committee that it is the fixed determination of Government if the bill is sanctioned, to give it the fullest effect, and to take care in applying its provisions that the steps taken shall be carefully considered and matured. The right hon. Gentleman concluded by moving the following resolution:—

> "That it is expedient to reduce the postage on letters to one uniform rate of a penny postage, according to a certain amount of weight to be determined—that the Parliamentary privilege of franking should be abolished—and that official franking be strictly limited — the House pledging itself to make good any deficiency that may occur in the revenue from such reduction of the postage."

Mr. *Goulburn* rose under circumstances of no inconsiderable difficulty, from the course which his right hon. Friend had thought it proper to pursue, in bringing forward upon a resolution which involved a great change in one branch of the finances of the country, the general financial statement of the year. If he were to address himself entirely to the resolution, he should certainly inform himself better as to what was the usual practice of the House, and what, under ordinary circumstances, was more convenient for the purposes of discussion. The question which it involved was one of sufficient importance, in his opinion, to justify its having been made the subject of a separate discussion altogether, instead of its being made the medium through which to present to Parliament and the country the whole financial statement of the year—a financial statement which, if taken by itself, afforded most ample grounds for discussion, and required, more than the resolution which had been submitted to them, the earnest consideration of the House. He felt great difficulty, therefore, without any particular knowledge of the details, in entering into a discussion of this important subject. With one part of it especially he felt he had a very irksome duty to discharge; in doing which he feared he should test the patience of the House, inasmuch as he should be called upon to repeat principles and opinions which he had year after year inculcated upon the Government, hitherto without any effect, but, by the continued repetition of which, he trusted they would be induced so far to concur with him as to take a bold view of the finances of the country, in order that they might see what was the general effect of the system upon which they were acting; not to consider the question of finance as a mere insulated question applied to the circumstances of the moment, but to see what would be the necessary consequence of the course they were pursuing if persisted in, and at least express their opinion, that that course ought to be abandoned. In the few observations he had to address to the House, he should follow as nearly as possible the order in which his right hon. Friend introduced the subject to their notice. He would begin, therefore, with that part of it which applied to the financial situation of the country at the present moment, which pointed out to them what was the expenditure and what the receipt, what that expenditure and receipt were to be in the year to come, and by what means it was proposed to equalize them. Before he did so, he could not but again refer to the inconvenience which he felt to result from having to enter at all into a statement upon a resolution which had really no reference whatever to the subject. He should have been much better pleased if he had to deal with a vote in a committee of ways and means for the Exchequer

Bills with which the right hon. Gentleman proposed to make up his deficiency. That would have been in his mind the proper vote to have taken upon a question of this nature, as affording an opportunity of entering into an ample discussion upon the policy of the right hon. Gentleman, which the present resolution barely afforded them. His right hon. Friend began his speech by saying, that whereas in former years it had been the custom of the House of Commons to be very vigilant of the expenditure of the public money, to call upon the Officers of the Crown for strict accounts of the reductions which had been effected in every branch of the public service; and whereas that state of things was entirely changed, the House of Commons being foremost in urging upon the Government the necessity of increased establishments, and the abandonment of economy, it now became the duty of the Government, not as formerly to resist economy, but to resist an undue extravagance upon the part of Parliament. He confessed he had seen no such tendency to extravagance on the part of Parliament. If it even did exist, was it not the duty of the Government, in taking great and comprehensive views of public affairs, to oppose itself to such a system, just as it would be their duty to oppose if urged upon them, an undue system of parsimony. But if the House had shown a disposition to increase our naval and military establishments, had there been no just reason why they should have entertained the desire? Did they not find, in the speech of his right hon. Friend, good grounds for supposing that if the establishments of the country had been kept in a state of greater vigour and efficiency, we might have been saved a great portion of that accumulated expenditure referred to by the right hon. Gentleman? They were now called upon to provide for the expenditure which had been caused by the state of Canada. He would not call it enormous, because he regarded the expenditure as a subordinate question when the honour of the country required our dominions to be adequately maintained; but he would say, that when the right hon. Gentleman complained of the desire of the House to increase our establishments, he should have recollected, that if there had been, in the case of Canada, an early application of our military resources—if when they had been told, that in the ensuing winter there would be a rebellion in that country, they had sent out a force sufficient to control that rebellion, that House would not now be called upon to vote so large a sum of money to meet the expenses which had been incurred in the year 1838. The expenditure attending such a course would not have been more than one-fourth of the present amount, and would have saved the country about 1,500,000*l.*, to which it was now subjected for the maintenance of troops and that irregular force which, under the name of militia and volunteers, it had been necessary to call into action in Canada. It was stated by Lord Durham, in his report, that irregular soldiers cost three times as much as regular soldiers. Bearing all these things in mind, he must say, that it was very extraordinary and unwise on the part of the Government, who declared, that they were under the obligation of sending forces to these provinces, to complain of suggestions upon which they subsequently acted, and ought to have acted originally. The right hon. Gentleman went next through the several items of expenditure and receipt as estimated by himself in former years, and compared them with the actual expenditure and receipt of the present year. Upon that part of the right hon. Gentleman's speech, it was not necessary that he should make much observation. He did not pretend to say that there was anything in his right hon. Friend's calculations which could justly subject him to blame or censure. The views of those who furnished him with the details of the different branches of finance appeared, as nearly as possible, to have been adequately realised. He had only to regret that the result of the expenditure and receipt was the deficiency which had been stated by the right hon. Gentleman to the House. There was one observation of his right hon. Friend to which he must beg leave to call the attention of the House, as it bore forcibly upon another part of the question. Alluding to the increased expenditure arising under the army and navy, and other regular services of the year, his right hon. Friend complained that there was a disposition on the part of the House and the country generally, to incur debt without reflection as to the means by which it was afterwards to be paid. He knew very well that such a disposition did exist. It was one which was not only common to popular bodies, but to individuals whom those bodies represented; but he must say, that in proportion as such a feeling prevailed, in proportion as they conceived it to be dangerous to the interests of the country, in proportion was it the duty of the Government and of the Treasury to set themselves against such a feeling, and to take care, when entering into debt on behalf of the country, that means would be forthcoming to pay off that debt. It was with considerable surprise he had heard the right hon. Gentleman say, that in the ensuing year they would have a surplus of 130,000*l.* of receipt as compared with the expenditure, which surplus when set against the Canadian expenditure, left a deficit of the calculated revenue of the year into which they were entering of not less than 860,000*l.* or 870,000*l.* His right hon. Friend then said, that this was a state of things which he was far from considering satisfactory, in which he felt assured every Member of the House of Commons would agree with the right hon. Gentleman. His right hon. Friend added that if this were a permanent diminution of the resources, if he had any reason to apprehend that this deficiency was likely to continue, or that he should again have to present a deficiency to the House in the year 1840, he should then boldly say to Parliament, you must devise means of defraying this expenditure, and not again borrow money for the purpose of making up the difference. But he did not see what right his right hon. Friend had to assume that it was not a permanent diminution of expenditure. What said his right hon. Friend in his speech of the 18th of May last year? He said, that the deficiency was simply of the amount of 200,000*l.* odd; whereas by the accounts laid upon the Table it turned out to be 441,000*l.* What was his right hon. Friend's statement:—

> "I trust," said he, "that the Committee will see that there is no improper risk in adopting the course which Mr. Canning pursued in 1827, but that on the contrary they will think I should be acting improperly towards the House if, in order to meet a temporary evil, I were to ask either the House or the country to submit to the permanent imposition of any new tax."

The deficiency of 1836 was stated to be temporary, but being only small, the right hon. Gentleman did not feel himself justified in proposing a diminution tax. The same argument had been made use of in 1837, when the deficiency instead of being 441,000*l.* was 726,000*l.* The same argument had been used for adding to the debt instead of raising money to pay the debt in 1838. It was repeated in 1839. Still were they told that they had no right to anticipate any permanent deficiency—that they should go on for another year without any effort to equalize the expenditure and receipt—that, in fact, they should proceed upon the spendthrift principle. The right hon. Gentleman said, they were to have a surplus of 200,000*l.* upon the year to come, assuming that Canada would not require the same degree of expenditure. What reasonable ground was there for anticipating that that 200,000*l.* would not be dealt with like the same sum in 1836 according to the popular but destructive doctrine of raising the amount by the issue of Exchequer bills, rather than by a tax. He must, therefore, repeat what he had said before, and call upon the House to consider in good earnest the real financial state of the country. He knew the question to be an irksome one, but in the present state of political opinion he regarded it as a question of peculiar power, strength, and influence, and one with which the happiness of the country was intimately connected. If they went back to the year 1831, without going into large calculations, but taking a view of those things which were most obvious, they would find that in that year the charge of our public unfunded debt amounted to nearly 28,400,000*l.*, while in 1839 it amounted to 1,000,000*l.* more, and that after a ten years' continued peace. So that there had been an increase of a million of annual charge from 1831 to 1839. To be sure, there had been an addition of 700,000*l.* on account of slavery; but had there been no sets-off? Had there been no falling-in of the debt? Had there not been a considerable portion of funded debt from the bank's diminution of charge amounting to 100,000*l.* Had the Government not applied, or attempted or professed to apply, a surplus revenue of about 9,000,000*l.*? Yet notwithstanding this falling-in to the revenue of the country, and notwithstanding this surplus, there was from year to year an augmenta- of 1,000,000*l.* of interest on the funded and unfunded debt of the country as compared with 1831. He admitted that the surplus revenue had had some effect upon the reduction of debt; and why? Because it appeared from accounts before the House that, instead of applying it *bonâ fide* to the reduction of the debt, as occasions offered, it was applied to buying up the deficiency bills, coming in aid of the Consolidated Fund, in diminution of the real surplus, to the extent necessary to supply the deficiency. Was it not natural, when he saw this annual increase of the charge of debt in a period of peace and prosperity, that he should again call upon the House to look the question in the face, and not be discouraged by their silent acquiescence in the system under which the Chancellor of the Exchequer had for three years administered the revenue of the country? But the right hon. Gentleman said, he meant to supply the deficiency by an augmented issue of Exchequer Bills. The right hon. Gentleman had no doubt of the propriety of thus supplying the deficiency of revenue. It was true, indeed, he had of late, after repeated admonitions and suggestions, in the course of the last years, made a considerable reduction of the unfunded debt, by means partly of the surplus which had occurred in one year, and partly by the application of the money of the savings' banks. On the question of the application of the money from the savings' banks to the purchase of Exchequer bills, he, on this occasion, should say nothing, because the discussion of minor points was calculated to divert attention from the essential points—namely, the consequences of the present perilous state of things. If the House could have the courage to maintain a constant surplus revenue, there would then be a hope, however small, of making some impression upon the public debt of the country. The right hon. Gentleman had said,—

> "If I had a surplus, I could deal with the Post-Office experiment, and could attempt other improvements, which I am afraid to hazard, lest I should increase the annual expenditure."

If we had but maintained a surplus, however small, and it had uniformly continued, our expenditure would have stood more on a par with our receipts, or instead of an increased charge, compared with antecedent years, going on in regular progression, we should have been able to deal with different branches of our finance, which required regulation and improvement. But the effect of this continual application would be to accelerate the period at which we ought to be able to effect a great reduction of our annual charge by a further reduction on the debt. In the year to come, a period would arrive when we should be at liberty to deal with no less than 160,000,000 of debt, and effect an annual saving of 700,000*l.* The great object was, to maintain a surplus revenue, and apply that surplus to the reduction of the debt. But if we went on annually increasing the debt, checking the prosperity of the country, and losing the advantages which peace afforded, it not only involved an augmentation of debt, but deprived us of that source of public relief which resulted from a reduction of the interest on the debt already incurred. Next year a great portion of the public debt would be open to be dealt with by the Chancellor of the Exchequer; but if he went on encumbering himself with additional Exchequer-bills—if, in the conduct of this great operation, which was always hazardous and dangerous, he encumbered himself with a mass of unfunded debt, from year to year, he would take the most effectual means of debarring the country from that legitimate advantage which would result from the reduction of the charges under which it laboured. And such reduction of charge would not be of a fluctuating nature, varying from year to year, but would be of a permanent benefit to the country, and would afford it the means, at a future time of danger and difficulty, of extricating itself from financial pressure. The course which the right hon. Gentleman was now pursuing tended to deprive the country of those great advantages which he thought it might enjoy. He had thus briefly stated his views of the finances of the country, and his objections to the course pursuing by the right hon. Gentleman. It might be fit, when, at a future day, the right hon. Gentleman submitted to the House, the mode in which he proposed to carry into effect his plan for supplying the deficiency, that the subject should be more fully entered into. It embraced a large extent, and ought to be discussed in many points of view, and the House and the country must discuss it fully, unless they were prepared to subscribe at once to the principle which had been laid down this night, and which had been acted upon for three years. He would now make a few observations upon that resolution which was the more immediate subject of this night's discussion—the proposal of the right hon. Gentleman to deal with the Post-Office, and, by a change in the whole mode of carrying on that department, to effect a considerable improvement in the transmission of letters, and to give great facility and relief to every class of persons. He admitted, with the right hon. Gentleman, that under the circumstances, the placing in hazard a revenue of 1,500,000*l.* was no trifling consideration. Though it was connected with the prospect of ultimately increasing the wealth and prosperity of the country, yet this was a certain revenue, free from doubt and fluctuation, and yielded an annual sum of 1,500,000*l.* If the right hon. Gentleman had had the surplus revenue which he had recommended, he should have concurred in the propriety of an immediate change in this department, and after reading the report which the committee had made to the House, he should be disposed to say, if the experiment be made at all, it would be wise to make it to the extent which the right hon. Gentleman proposed, and not to adopt the suggestion of the committee. After reading the evidence, he admitted that it was with no little surprise he found the committee proposing a postage of two-pence, instead of one penny; for the whole tendency of the evidence went to show, that a postage of two-pence would fail, but a penny might succeed. He would not say, after all that had been stated in the evidence, that the public would be disappointed in its expectations; but he felt assured that there was a better chance of success by the one-penny postage, than by adopting the suggestion of the committee. He agreed with the right hon. Gentleman, that if the experiment be adopted at all, it must be general, that you cannot deal with such an experiment partially, applying one system to one district, and one to another. So far as regarded the measure of the right hon. Gentleman, he was prepared to give his concurrence. But there was another very different and most important consideration. If he understood the course which the right hon. Gentleman meant to pursue, it was to pledge the House by the resolution that a penny postage should be introduced, and that Parliament would make good any deficiency which the adoption of the measure might cause in the revenue; and the right hon. Gentleman had thought it necessary to apologise to the House for proceeding by bill. No such excuse, however, appeared to him to be necessary. On the contrary, he should have been surprised if the right hon. Gentleman had pursued any other course. That the Chancellor of the Exchequer, being about to risk 1,500,000*l.* of revenue, should think it necessary to apologise for proceeding by bill, appeared one of the most unnecessary as well as extraordinary apologies ever offered to Parliament. The proceeding of the right hon. Gentleman appeared to be this:—To pledge the House by the resolution to provide for any loss that might arise from the reduction of the postage. and in the bill he was to state broadly and distinctly, in the preamble, the nature of the pledge; and that there was to be an enactment, putting it in the power of the Treasury to give effect to the plan in the manner they thought proper. If there was any course of proceeding more than another open to objection, it was this. He would tell the right hon. Gentleman what would be the result. At the end of the Session he would put his machinery in motion; letters would pay the penny postage, and at the end of the year there would be a deficiency of from 500,000*l.* to 1,000,000*l*, which Parliament would be called upon to supply. The right hon. Gentleman would come down and say, that there had been a deficiency of 1,000,000*l.* of revenue through the adoption of his plan, and would call upon the House with all his energy and eloquence to give him a tax to supply that deficiency. The answer would be this—"The people are oppressed with taxation; try a little longer before you impose a new tax;" and the right hon. Gentleman would find his own argument on the present occasion turned against him. The hon. Member for Kilkenny would get up and say, "Unless I could be assured that there would be a permanent deficiency of revenue, I should not be justified in voting in favour of a new tax; but, as I consider the deficiency to be only temporary, I call upon you to supply the deficiency of revenue, occasioned by the reduction of postage, by an issue of Exchequer Bills." This argument might be brought with tenfold force against the application of the right hon. Gentleman, that he had kept up the revenue of three consecutive years by the same means. The right hon. Gentleman proposed in his bill, to give the Treasury power to carry the plan into effect; but the House ought to see the plan well digested in the bill, and the powers it proposed to give. The right hon. Gentleman relied on the pledge of the House of Commons; but pledges of this nature were broken by expediency, and how could he bind their successors in the House? When the right hon. Gentleman talked of laying the Members of the House under an honourable obligation, he would see a different set of faces when the matter was brought under discussion. He spoke of appealing to the honour of Gentlemen; but the new Member for Kilkenny might say, "It may be very well for my predecessor to bind himself, but he connot bind me;" and a resolution passed by one House of Commons might not be considered binding on another. Although he did not oppose the resolution, he reserved to himself the liberty of resisting any part of the proceeding, if, on further examination, he should see reason to think it was objectionable, and that it did not provide a mode by which a provision was made against a deficiency of the revenue occasioned by this change in the Post-office. He entreated and implored the House to weigh the situation in which it would place the country, if, instead of providing for the expenditure of the country out of the annual revenue, it continued for another year to have recourse to the practice of issuing Exchequer Bills instead of endeavouring to relieve taxation, and carrying into effect the prudent councils of the greatest nation in the world.

Mr. *Hume* had listened with very great attention to the observations which had just been made, and as he considered that the subject which they were discussing was of very great importance, he should address a few words to the House. He meant to speak first to the question which had been the last submitted to them, that which related to the Post-office, and which he thought ought to be regarded as separated from the question of revenue. It was, indeed, a very bold, he might say a very venturous act, to propose a change so important as that by which one million and a half of revenue was put at risk; but then the question was one of paramount importance. It was of the greatest importance to all classes in the country, and particularly to the poorer and the middle classes, much more, in his opinion, than to the rich; and thinking this, he said, he was sure that, after all, the risk to be encountered would not be found to exceed one half or one third that which the right hon. Gentleman had mentioned. He was warranted in saying this when they considered that the effect of decreasing charges was to increase the revenue; and he was confirmed in it by hearing what had taken place in France from a similar reduction. There was no instance in which postage had been reduced, in which there had not been an increase of postage. When, too, he saw that from 15,000 to 20,000 letters were sent every day by Members of both Houses of Parliament, he was sure that such letters being charged in future, must help much to make up the deficiency which was expected to take place. He calculated there would be a deficiency the first year; he believed there would be a deficiency the second year; but when the system came fairly into operation towards the end of the second year, he did not believe that the deficiency would be greater than what Mr. Hill had estimated it at. He thought the experiment a most important one; and he thought, also, that the Chancellor of the Exchequer was fairly warranted in making that experiment, and in thus doing what he had been called upon to do by the general desire of the country. He had no hesitation in saying, that the deficiency, whatever it might be, would be made good by the House of Commons. He agreed, however, with the right hon. Gentleman opposite, that taking a pledge from that House was altogether unnecessary. He had seen Acts of Parliament, which pledged the application of sums in a particular manner, and yet afterwards he had known of specious pretences being found for applying a surplus otherwise than it was originally intended. He doubted then very much if the right hon. the Chancellor of the Exchequer did any good by asking the House to pledge itself, particularly when he could point out Acts of Parliament much more solemn than mere resolutions, which could not, and did not bind future Parliaments. He had the greatest confidence in the good sense of the House—he was sure it would sustain the loss willingly, if, after the experiment had been fairly made, and fully worked out, it should still prove deficient in producing a revenue. It was a bold experiment, and there was a much better chance of its succeeding, because it was a bold one. He confessed, that he himself was very sanguine as to the results, if the experiment were fairly tried. He tendered to the Chancellor of the Exchequer his cordial and his best assistance in supplying the means, whenever he found that there was a deficiency, and he was sure that the House would aid in such a proposition. The measure could not but be productive of the most important results, and, whatever might be the loss, the Government, he was sure, would find the country quite willing to supply the deficiency. He must candidly, however, tell the right hon. the Chancellor of the Exchequer, that he did not think that the fitting course which he ought to pursue should be, to impose taxes to make up the expected deficiency. Let them compare, for instance, the expenses of the army and navy in 1835 and last year. Last year he thought the expenses of army and navy were 16,250,000*l.*, and by the finance report it appeared, that the expenses of the army and navy, in 1835, were 13,800,000*l.* Might they not then hope, that the state of circumstances would be such as to enable them to make a reduction more than equal to the expected deficiency in the amount of the Post-office revenue? Had they not a right to expect that the 16,000,000*l.* for army and navy, would be brought down to 13,000,000*l.*? He hoped the right hon. the Chancellor of the Exchequer would look with confidence and steadiness at the situation in which they were placed. He said this much with regard to the Post-office, and he now had to turn to another and very important subject. Upon that subject he confessed that he agreed with what had fallen from the right hon. Gentleman who had last spoken. He did not think that the state of their finances was at all satisfactory. He was not willing, at that moment, to enter very fully into this subject. He saw the situation in which they were placed, and yet it was a ground upon which he had felt the deepest anxiety for a considerable time. He had been anxious to know, from the early part of the Session, at what time the budget would be brought forward, and it might be satisfactory to the House to know on what grounds his anxiety rested. He found, from a paper that he held in his hand, that on no occasion but one, since 1825, had the budget been brought forward so late as the month of July. In 1825, it was brought forward on the 25th March, in 1826, on the 13th March, in 1827 on the 1st June; and the right hon. Gentleman opposite afforded the only example, in 1828, of bringing it forward six days later than the present. In 1829, it was brought forward on the 8th May; in 1831, on the 11th of February; in 1832, on the 27th February; in 1835, on the 5th of April; in 1836 on the 6th of May, and the last budget was brought forward on the 18th of June. He could see no reason for the present being brought forward at so late a period. It was but fair in him to confess that the charge in the financial year to which he had been a party, had not produced those results which he had anticipated from it. He had anticipated, that the financial statement would always be made before the estimates were voted; and it was now, with the greatest regret, that he saw they had succeeded so ill in this respect. He was of opinion that they ought to retrace their steps, and not allow the financial statement to pass beyond April at the latest. Nothing could be of more importance, and yet, at that period of the year, it was not possible to have attention directed to it; for instance, let them look at the present occasion, when there was scarcely a sufficient number present to form a House; and yet there was no question so important as the financial statement. He confessed he looked with great anxiety to the present financial condition of the Government, since the Chancellor of the Exchequer had increased the amount of the Exchequer Bills afloat by 1,000,000*l.* in the last year. He had not brought forward this question last Session, because he was in hopes that, early in the present Session, they might have had a private inquiry upstairs, and then have come down to the House with facts and details, collected and arranged. But the Government had proposed nothing of the sort, and he blamed himself now for the deference which he had shewn to the Chancellor of the Exchequer, thinking, as he had done, that a motion of this nature had better originate with, than be forced upon the Government; and more especially did he blame himself, when he found that measures had been taken not to make a House on Tuesday last. When Thursdays were given up to the Government, he thought he had a just right to complain, when he found that no member or officer of the Government was present on Tuesday last, to assist in making a House for the discussion of his motion on the Bank of England. He must then take that opportunity of saying, that he looked with the greatest alarm to the condition in which the country was placed, and especially as the right hon. Gentleman was adding to the amount of the Exchequer bills, and thus endangering the credit of the country. They saw that there was a deficiency, and yet he asked the right hon. Gentleman, the Chancellor of the Exchequer, what authority had he for saying that the estimates would be diminished next year? What grounds had he for giving in that diminution, when he said that the estimates of last year were increased, and not diminished? What right had he to prepare for this diminution when the Government had settled nothing in Canada? If the Government had given Canada a representative government, he was confident that in two months the expense of their military establishments there might be saved. When, however, he saw the determination of the Government to leave Canada in its present state till 1842, there could be no hope of any reduction in our military establishment, in order to meet the expected deficiency in the Post-office branch of the revenue. What had they seen a few days ago? Were not exchequer bills at a discount? [*No, no.*] Well, he had been told so. Had they not, at this very moment, the whole pressure of the banking interest resting on the Bank of England? And what was the situation of the Bank? By the last average returns of three months, which he was obliged to take as the right hon. Gentleman would not give him the weekly returns, the balance of bullion in the Bank amounted in round numbers to but 4,500,000. He would ask the House whether, with such a pressure of paper as existed at this moment, it was safe to leave matters in their present situation. No country banker kept any stock of bullion; all the bankers said it was no business of theirs, as the notes of the Bank were a legal tender. He would tell the House, that the exchanges were still against us ever since August last, except at the end of November, and the consequence was, that the 9,000,000*l*. of gold in the Bank coffers had diminished, as he really believed, to 3,000,000*l*. [*No, no.*] Why, had they not the account from day to day, in order that they might fully understand their exact situation? He protested against the condition in which the country was left, and which it was proposed to permit it to remain by the right hon. the Chancellor of the Exchequer—depending so much upon the Bank of England. Let him, however, state a single fact, and with that he should close his observations on this point. He had a paper in his hand, which might be found useful in advising them of the situation in which they were placed. Gentlemen, perhaps, were not aware, that to pay the dividends which became payable to-morrow, Government had not one farthing. That might excite a little surprise; but for twelve years past they had never been able to pay them. It followed as a matter of course, that the Bank made advances on the days on which the dividends were to be paid. He had returns in his hand on this point from 1797, and these papers showed that there ought not to be this meddling with the Bank of England. No Government ought to depend upon advances from a private establishment. By the system established in France, not a shilling was advanced to the Government. In the Bank of France, there remained 10,000,000*l*. of bullion surplus belonging to the Government. There were 169,000,000 of francs so placed. They took no advances from the Bank, and they paid every thing connected with the debt. If that Bank failed as regarded its own resources, the public resources would be untouched. On the 5th of July, the issue of Exchequer Bills to meet the demands was, 5,172,000*l*. To-morrow the Bank must make a loan, and it should do this with only three or four millions in gold. What a prospect there was then before them, with the exchanges against them! It was not to the credit of the English Government that they should be dependent upon any private body whatever. If the Government were not able to pay its dividends on the 6th, it was in the situation of being refused aid by the Bank; and then let them look to what might be the consequences if such an event took place. Was it safe for them to allow such a plan to proceed? If it were the proper time for doing so, he could show such strong reasons, and enter into such striking details, as must convince the House that the credit and the honour of the country ought not any longer to be allowed to rest on a rotten reed.—[An hon. *Member:* "Sir John Rae *Reid*."] Let them look to the evidence of Mr. Baring, as to what took place in 1825. Let them reflect, too, on what had been said by Mr. Huskisson, and which he himself had heard—namely, that they were within twenty-four hours of being within a state of barter. This was a pretty state for England! They did not want money—capital was overflowing amongst them, and men were seeking for channels in which it might be employed. With such capabilities, the condition of the country ought not to be risked. Under these circumstances, he protested against the plan which the right hon. Gentleman proposed. He thought, that it was fraught with danger, and, in a full discussion on the matter, he would be able to prove that half the present misery of the industrious and working classes, was produced by the conduct of the Government. The misconduct and mismanagement of the finances by the Government and by the Bank, were fraught with the very greatest mischief. He did, then, entreat the Government, and he entreated especially the right hon. Gentleman, to let the finances of the country be placed in a proper situation, and no longer to trust them in the hands of those who, however competent to manage their own affairs and take care of their own interests, were certainly incompetent to conduct the affairs of the country. It was placing the property of every man in a most dangerous and critical situation, and leading them to ruin, from which in too many cases, they could never recover. The right hon. Gentleman had shown, that our exports had increased in a degree beyond anything that could have been imagined; but that increase only showed the effects of speculation, and he would ask the right hon. Gentleman to look back to 1836, and then say, whether he could expect in this year the same amount of revenue from this source. It would be vain to expect that the increase would continue. It was an increase astonishing in its amount, being no less, as he understood, than 30 per cent.; but it only showed what might be expected when speculation was great, and when it was encouraged by the Government. But the right hon. Gentleman would not be doing himself justice, if he trusted to a continuance of that increase. Let him look at Manchester, Preston, and other great manufacturing towns, where the mills were only working four days in the week, and he would then acknowledge, that the increase was one which could not be depended upon for the current year. He objected also to the system adopted by the right hon. Gentleman, of adding to the funded debt of the country without the knowledge or sanction of Parliament. The right hon. Gentleman had, within the three last years, added 3,000,000*l.* to the three per cents., without the consent of Parliament. Was it fit that the Government of this country should thus traffic in the money-market—that they should be buying Exchequer bills one day and selling them the next; and all this, too, without the knowledge of the House? It was true, that the hon. Gentleman had reduced the amount of Exchequer bills, and he willingly allowed that they were well out of the market; but what was the process adopted to effect this object? The money was taken out of the savings' banks, and the amount added to the funded debt of the country, without either the knowledge of the country or of Parliament. He would ask the right hon. Gentleman, whether within the last month, a considerable amount of three per cents., had not been sold out to buy Exchequer bills in order to carry on public works which had been ordered by that House? This trafficking in the money market was unworthy of the Government, and he hoped would be discontinued. He had, he trusted, stated enough to show the House, that they could not go on as they had been going; and he could not but deprecate any proceeding which would injure the credit of the country. The credit of this country stood so high in the eyes of Europe, and deservedly so, that he trusted nothing would be done to lower it in the estimation of the world; and he should consider the right hon. Gentleman extremely culpable, if he should run the same risks as he had done in 1837, when he had allowed Exchequer bills to come almost to a discount. He would not then enter on the question relative to the Bank, but at the proper time he should be able to prove, that it was impossible to allow matters to go on as they had been doing. A remedy must be found. He had now stated his satisfaction with one part of the right hon. Gentleman's statement, and his dissatisfaction with another part, and he should have conceived that he had been wanting in his duty, if he had not protested against that part of the right hon. Gentleman's propositions which he had last alluded to.

Mr. *Wallace* did not mean to follow his hon. Friend in the opinions he had expressed. He wished to say a few words to them, as Chairman of the Committee on postage. In the first place, he begged to thank the right hon. Gentleman, the Chancellor of the Exchequer, for having brought forward this question with perfect fairness towards all parties. It was quite true, that the report of the Committee was in favour of the twopenny rate, and he hoped that he might be excused when he briefly stated, why the Committee came to that resolution, although most sensible that the greater portion of the evidence was given in favour of the penny rate. They were restrained by the orders they had received, and they were obliged to keep within the view most strictly for which they had been appointed. The Members of the Committee voted in favour of an uniform rate. As Chairman of that Committee he had never been called upon to give but one vote, and the majority of the Committee were of opinion, that a twopenny rate of postage would be the best they could hope to attain. As to the pledge which the Chancellor of the Exchequer asked them to give, he had not experience enough in that House to decide whether that would be satisfactory or not; but looking at the class of petitioners who came before the House to require the grant of this boon of an universal penny post, he was sure that so numerous and respectable a class would never send representatives to that House who would not be ready to vindicate the pledge or understanding entered into upon this most important subject. The number of petitions had been adverted to, and he was free to admit, that there was on this as well as upon other subjects a considerable degree of agitation and anxiety on the part of those who promoted this plan, to stir up the feelings of those who accorded with them in opinion, to solicit this boon at the hands of Parliament. When a great commercial capital like London came forward, as it had done by constituting a postage committee, to endeavour to stir up the feelings of their countrymen in the remotest parts of the kingdom, it was no wonder that the sympathies of the whole nation were brought out to ask for this boon. With regard to the loss of revenue he was free to admit, and, indeed, he thought, that in the first year certainly there would be a great loss of revenue; but, from all the attention he had given to the subject, and he had devoted to it his entire time, and had endeavoured to understand the question with a perfectly honest desire of concealing nothing and declaring all, his conviction was, that although there might be a defalcation to the amount of 500,000*l.* or 600,000*l.* in the first year, including the expense that would be incurred in setting the machinery going, still he believed, that from the increase in the number of letters, and the universal use of the Post-office instead of its abuse, the revenue in the course of another year would be equal to its present amount. It was his confident anticipation and hope, that in three years the defalcation of the first year would be made up. He ventured to state this because he entertained a sincere and honest conviction, that such would be the result. With regard to the resolution, that had been brought before the House, it seemed to be admitted on all hands, that it was really necessary to give effect to this plan, if it should be the opinion of the House of Commons and of Parliament, that it ought to be conceded to the wishes of the people. It was quite true, that at present the Treasury and the Postmaster-general combined had the power of reducing the rates of postage to any given amount. It was also true, and he believed very few were aware of it, that in the last Session a clause was added to a bill by which the Treasury and the Postmaster-general, when they agreed, could insist upon postage being paid in advance. He was in possession of the bill, and could assure the Committee this was a fact. He thought it, nevertheless, of the utmost importance, that the Committee should sanction the proposition of the Chancellor of the Exchequer, so as to enable him to put in operation this great machinery, and give this country an opportunity of taking the lead in bestowing one of the greatest boons that could be conferred on the human race before any other country. The distinguished individual who had invented this magnificent plan, ought not to see it adopted by any other country, before it was adopted by his own. He believed it was very well known, and if not he begged leave to state, that the Postmaster-general of France, and the government generally of that country, were anxious at the earliest possible time, to adopt a plan similar to, if not the same plan as that recommended by Mr. Hill.

He believed, that a noble Lord not then in his place had been in communication with the government of France on this subject, and that the executive of that country was most anxious to be informed of all the particulars of the plan, for the purpose of its being immediately adopted in France. The government of the United States of America was also in active correspondence with this country for the same purpose; and he believed, that Prussia and other continental nations had a similar object in view. He submitted, that as England had the honour of this invention, which had undoubtedly been first brought before the public by Mr. Hill, that it would be exceedingly blame-worthy in this country, for the risk of a loss of 500,000*l.*, which would be paid back in two or three years, if they were to lose the honour of being the first to execute a plan which was essentially necessary to the comforts of the human race. He would not go into details respecting the plan, but he must observe, that he differed so far from the Chancellor of the Exchequer with regard to the apparent adoption of only one part of that plan. He believed, that the use of stamped papers, not meaning covers only, but stamped papers of all kinds, might be permitted without granting a monopoly to any party. He believed, that the adoption of stamps, something like French wafers, might be brought into very general and convenient use. Several of these specimens had been presented to the Treasury and the public offices, and to himself, and as far as he could judge from the evidence adduced by Mr. Wood, the Chairman of the Stamp-office, and the Commissioners, he had no hesitation in saying, that the adoption of this plan would secure the revenue against loss from forgery. There was one other subject which had not been adverted to, but to which he wished particularly to allude. On referring to the evidence given by Lord Ashburton and several others respecting the effect which this plan would have in London, Liverpool, and other large towns, he found the following question was put to them:—"What effect do you suppose will flow to the other branches of the revenue if the system of cheap postage be adopted?" The replies given by all were to the effect, that they believed, that the other streams of revenue would be filled, and would flow largely into the Exchequer. They might therefore look to a large addition from other sources of revenue, independent of the Post-office, and they might also look to a large addition to the revenue from the duty upon paper, in consequence of the large additional consumption that must take place. The question came to this, what number of letters would be transmitted by post? So far as it was in his power to reduce the evidence to a practical view, his real belief was, that Mr. Hill, in estimating the increase at sixfold was within the mark. He meant to say, that those letters that did not pass through the Post-office, he conscientiously believed, amounted to twice as many as passed through it. This was his own opinion, gathered from the evidence—namely, that if eighteen millions of letters passed through the Post-office, thirty-six millions did not pass through it. This was a strong assertion, but he conscientiously believed he was not overstating the fact. There was another subject necessarily connected with this subject. He had adverted to the probability of the adoption of this plan by France, the United States, Prussia, and the other continental States, but he thought, that it was of no small importance, that the plan should be adopted as regarded our colonies and possessions abroad, for in no part of the world was postage more expensive and at the same time letter-writing so inconsiderable. Putting out of view the moral effect which the plan would have, he thought it would greatly tend to improve the social relations of those communities with the mother country, and we should be spared those heart-burnings and complaints that now existed, if there was an opportunity of having matters explained through other channels. He thought that the increase of communication with the mother country would produce an increase of good feeling. This was, however, a matter of opinion. He could not help adverting to the progress of this question since it had been brought before the public. It was not till the commencement of the last year, that Mr. Hill's plan became known to the country. From the very first he saw that it was a proposal that deserved the utmost consideration, and he was convinced that inquiry would prove its worth. What was the effect produced? In 1838, three hundred and twenty petitions were presented in favour of the measure, many of them from large towns and from chambers of commerce. In the present Session not less than 1,800 petitions had been presented, showing an increase of more than five-fold. This was one proof of the interest taken by the public in the matter, but there was another proof. The first report of the select committee was published about Easter, and in less than two months that report was out of print, and no copies were now to be had to supply the wants of those foreign countries who were desirous of availing themselves of its contents. This showed the anxiety of the public on the subject. With regard to the measure itself, it had been so generally discussed, and had been brought before the public by the newspaper press in every part of the country so often, that it would be a waste of the time of the House if he entered into it. He believed that the measure would be fraught with benefit to the very highest class of the community, but he did not believe, that it would be of such benefit to the higher classes as to that very large class who were at present completely debarred from all communication with distant friends. He believed, also, that it would open a wide field to emigration by enabling those who had left the country to send to their friends at home a just and true account of their situation. He also thought it would be extremely beneficial in enabling persons residing within workhouses to communicate with their friends and relations outside. With these remarks he would only beg permission to express his warm approbation of the plan of Mr. Hill, and to state that Mr. Hill was a man of a most honest and generous mind; that his sole object was to investigate the truth, and that for his indefatigable labours in bringing the intrinsic merits of his plan before the public, he was entitled to the lasting and grateful thanks of his country.

Sir *Robert Peel* said, that he should have thought it sufficient, if Government had maturely considered the details of this measure, had calculated the probable loss to the revenue, and had come forward to propose, in this acknowledged deficiency of the public revenue, some substitute to compensate the public. He should have thought that sufficient. So convinced was he of the moral and social advantages that would result from the removal of all restrictions on the free communication by letter, that he should have willingly assented to the proposition. But that was not the proposition made by the Chancellor of the Exchequer. That proposition was, that they should now, on the 5th of July, pledge themselves to supply what might be an eventual loss of 1,000,000*l.* or 1,500,000*l.*; and that the House of Commons should enter into a vague pledge that they should hereafter make good any deficiency in the revenue. He thought it highly probable, whatever might be his opinion of the advantages of this plan,—and he wished to say nothing in disapproval of it—that it was highly improbable that in the present period of the session, and in the present state of the public revenue, that that House should be ready to consent to run this risk. This he must say, that if they were prepared to run this risk, he would infinitely rather do so without a pledge, than with a pledge. This he had no hesitation in saying. The right hon. Gentleman, the Chancellor of the Exchequer, told them that their private honour was to be a guarantee for their hereafter redeeming this pledge. When he heard his right hon. Friend, the Member for Pembroke (Sir J. Graham) speaking of some obligations on the subject of the Reform Bill, he recollected that he was met by the noble Lord, the Secretary at War (Lord Howick), who protested against the doctrine of any obligations of private honour interfering with the execution of public duties. They were told by that noble Lord, that it was utterly impossible that a public man could consider himself fettered in the discharge of his public duties, and that no promises or engagements that he might enter into could be binding upon his private honour. How, then, was it possible for the right hon. Gentleman, the colleague of the noble Lord, to uphold the doctrine that they might be bound by promises which they might make in their individual capacity to take a certain course upon a particular occasion? But if their private honour was to be appealed to, and that obligation was to be binding, it did become of the greatest importance that they should understand distinctly what was the engagement they were entering into. Of this there could be no doubt. They were asked to consent to a pledge that they would make good any deficiency in the revenue that might be occasioned by the alteration in the rates of the existing duties. Did he understand that pledge to involve this engagement—that, supposing there to be a loss of 800,000*l.* in the Post-Office revenue in consequence of this alteration of the duties, he should be compelled to assent to a new tax for the purpose of supplying the deficiency? Was that the meaning of this resolution? He understood that it was the distinct meaning of this resolution, that he should be pledged to make good any deficiency of the revenue occasioned by an alteration of the rates of the existing duties; that this was the engagement into which they were to enter, and which they were to be called upon by the obligations of public honour and private duty to fulfil. Suppose the anticipations of the Chancellor of the Exchequer to be realised, and that there was an immense reduction made in the civil and military establishments—suppose the other branches of revenue became productive, and suppose they found themselves at the end of two years with a deficiency in the Post-office revenue to the amount of 800,000*l.*, but with an actual surplus of a million, was he bound by this resolution to make good by new taxation the deficiency occasioned by the alteration in the rates of postage. He had asked this question, and he received an answer, as he understood, that he was so bound. [" *No, no.*"] Then he was not bound by any such engagement? Why, that was an additional reason for not entering into a pledge that was perfectly indefinite, and which must be left to the sense of every individual whether it were binding or not. What time would they be called upon to redeem this pledge? The Chancellor of the Exchequer said, that the loss to the revenue would be great at first. The hon. Gentleman the Member for Greenock (Mr. Wallace) limited the loss of revenue probably to the first or second year; but suppose the contingency which the right hon. the Chancellor of the Exchequer regarded as probable did really occur, and that there was not a great surplus to dispose of; but supposing at the end of the first year that there was an actual deficiency of 500,000*l.* in the Post-office revenue, would he be called upon to redeem this pledge? Suppose two years to elapse, and that at the end of the first they found a deficiency of 800,000*l.*, and at the end of the second only 600,000*l.*, was he then to redeem this pledge, or would Members be at liberty to argue that as there was a progressive reduction in the Post-office revenue of 800,000*l.* the first year, and only 600,000*l.* the next year, they might wait quietly for three or four years, and the deficiency would be amply supplied by the increased vigour of the Post-office itself. Let them, that Gentleman would say, not run the risk, and incur the inconvenience of laying on partial taxation, and of making permanent laws to supply a temporary deficiency, and that it would be wiser, seeing the revenue was recovering itself, to postpone any new taxation for five or six years. If all these considerations were open to the discretion of each Member, where was the use of saying that they had given a pledge that was binding upon their private honour? He could understand a pledge given by Parliament to the Crown, that if the Crown advanced a certain sum of money, Parliament must make good the same, but he could not understand a pledge that hereafter they were to make good a certain deficiency of revenue, when he believed, according to the second explanation he had received that it was left to the discretion of the House of Commons and of each individual Member whether the general circumstances of the country called for the fulfilment of that pledge. He must say that he possessed such hope and confidence in the good sense and wisdom of Parliament, that he believed the apprehensions of the Chancellor of the Exchequer would never be realised. But what was the period at which this measure was proposed? This resolution was moved on the 5th of July, for the purpose of involving Parliament in this vague and indefinite pledge, which was left to be redeemed on the private honour of each individual; and he must say, that he would never believe that the right hon. Gentleman would get the consent of Parliament to such a pledge, and yet they were told that the bill depended on involving Parliament in that pledge, and that it must be abandoned altogether unless Parliament promised to supply any deficiency that might arise. He did not like pledges of this sort. Could any thing be more dangerous, as an example, than that a public man to relieve himself from a difficulty in supporting the public credit, and to escape supplying a deficiency by an immediate proposal of taxation, could anything be more dangerous or discreditable than to enter into pledges of this sort, unless it was known how they were to be redeemed; and could anything be more dangerous to the public credit and more embarrassing to the public than to be told that Government expected a probable deficiency of 1,500,000*l.*, but that they could not tell what was the article upon which the new tax to meet this deficiency was to be laid. They had had a deficiency of revenue now for three years. In the years 1837, 1838, and 1839, the balance sheet had presented a deficiency as compared with the expenses. ["*No, no.*"] There was a deficiency for 1837 and 1838, and the right hon. Gentleman himself admitted that at the end of April, 1840, that was for the year 1839, he expected that there would be a deficiency of nearly a million. But the right hon. Gentleman hoped that the expenses of Canada would not continue. Why had they made any advance towards a settlement? The House had to consider the complicated relations of this country in all parts of the world, and foreseeing that it was possible that although the expenses in Canada might not be permanently continued, yet looking at the state of our West-India possessions, looking at the affairs of the East, looking at the preparations made by France to meet them, and looking at the state of affairs on the frontiers of India, could any man confidently anticipate that the deficiency which was expected in 1839 upon the postage revenue, might not occur upon other grounds, considering the present state of the world and our immense possessions. Under these circumstances th Chancellor of the Exchequer, referring to the evidence of Lord Ashburton, and expecting a possible defalcation, invited Parliament to take a course that would incur the risk of a deficiency of two millions, and invited them to give a pledge to supply this deficiency. He was not prepared to run this risk, but if he were, he would infinitely rather run the risk without giving any pledge. If this country expected new taxation to meet the deficiency of 1,500,000*l.* or 2,000,000*l.*, was it not natural that every person would be considering on what branch of the productive industry of the country was the new tax to be laid. Again, he asked when the pledge was to be redeemed? Was it at the end of the first year or the second year, or was it to be after an unlimited and indefinite time? If it was at the end of a limited period, if the Chancellor of the Exchequer was entitled to call upon them to redeem this pledge after an experience of one year of the new experiment, was he, at the end of that year, to call upon them to supply the deficiency by permanent taxation? Observe, there was not the slightest reason why they should not also be called upon to supply the deficiency arising from other sources. There was as much ground for now proposing to supply the deficiency that had arisen for the last three years as there could be for supplying the deficiency that might arise from a defalcation in the Post-office revenues. They stood on the same ground, and he saw not the least distinction between them. They were about to deal with an acknowledged deficiency for the present year of 1,000,000*l.* of revenue, and they were about to incur the hazard of losing 1,500,000*l.*, and in the present state of the public credit he would not himself give a pledge that was perfectly indefinite both as to the amount of the taxes to be raised, and the period at which they would be called upon to raise them. A precedent more dangerous or more fatal to public men and ministers he had never heard proposed to Parliament. He would never believe that it could be carried until he heard the royal assent given to the bill that proposed it. What was the statement of the right hon. Gentleman? He stated that the revenue for the present year was 47,833,000*l.* The hon. Gentleman the Member for Kilkenny, anticipated a considerable reduction in our military establishments. Had he compared the amount for 1838 with that of 1837, and did he not find an increase of about 800,000*l.*? On what ground, then, did the hon. Gentleman's expectation rest, that they would be able to supply the deficiency by a great reduction of our military establishments? Again they would be told by the hon. Member for Greenock (Mr. Wallace) at the end of the first year, that they had made an incomplete experiment; that they could not judge of the plan by the first year; that in so short a time the people had not got into habits of corresponding, and that he must oppose any new taxation founded upon an imperfect and incomplete experiment. Further, the hon. Member for Kilkenny would tell them that the true way to remedy the deficiency in the amount of the revenue would be not to increase taxation, but to reduce our establishments? Could any man contemplate the raising of taxes to the amount of one million or one million and a half, to supply a deficiency, and yet that no indication should be given of the article upon which the new taxation was to fall? If in the month of April the Chancellor of the Exchequer had proposed to run this risk, and if he had shown that, by encouraging commercial speculation, it was likely that the revenue would not be injured—if he had taken that course, it would have been creditable to the Government, and he might have been induced to concur in such a course; but, with the opinion expressed of the public credit, he could not consent to hazard such an amount of revenue as 1,500,000*l.* The right hon. Gentleman said, that the highest authorities in the country were in favour of this plan. Why, a more decided condemnation of the plan he had never heard than that which had been given by the secretary of the Post-office. Whether that opinion was well or ill founded he could not say; but this was the evidence of Colonel Maberly, the Secretary to the Post-office:—

> "He considered the whole scheme of Mr. Hill as utterly fallacious; he thought so from the first moment he read the pamphlet of Mr. Hill; and his opinion of the plan was formed long before the evidence was given before the Committee. The plan appeared to him a most preposterous one, utterly unsupported by facts, and resting entirely on assumption. Every experiment in the way of reduction which had been made by the Post-office had shown its fallacy; for every reduction whatever led to a loss of revenue in the first instance. If the reduction be small, the revenue recovers itself; but if the rates were to be reduced to 1*d.*, the revenue would not recover itself for forty or fifty years."

The forty or fifty years alluded to in this portion of Colonel Maberly's evidence was, perhaps, the period over which the right hon. Gentleman the Chancellor of the Exchequer intended that their pledge should extend. The opinion of Lord Lichfield, the Postmaster-general, was to the same effect, and equally conclusive as to the impolicy of adopting the plan of Mr. Rowland Hill. But he begged it should be distinctly understood that he did not wish to say one word in disparagement of the plan of Mr. Hill. [The *Chancellor of th Exchequer*, hear.] He understood wha that cheer meant from the right hon. Gentleman. The right hon. Gentleman meant to infer that he was deterred from expressing an opinion against the plan by a fear of forfeiting popularity. The reason which actuated him, however, in abstaining from pronouncing an opinion was totally different. The reason was, that he did not feel himself called upon to enter upon details. It might be said he had presented petitions in favour of the plan from his constituents. No doubt he had. But if he had wished to gain popularity by the course which he should adopt on this question, surely it would have been more likely that he would have at once expressed his acquiescence in, and approval of, the measure. What was it that the House was asked to do? To risk a revenue of 1,500,000*l.*, and to incur also the responsibility of a pledge to make good any deficiency at an indefinite, vague, and undetermined period. If he wanted popularity, he would at once give way to the feeling in favour of the moral and social advantages which had been already alluded to, the great stimulus it would afford to the industry and commercial enterprise of the nation, and the boon it was described as presenting to the poorer classes; but if he thought that by the course he intended to adopt that night he was committing himself on the merits of the question as sought for by the right hon. Gentleman, he declared at once that if he stood alone he should not hesitate to refuse his assent. And it was only because he considered the resolution now before the House as the foundation for a bill to be afterwards brought in, and on which he should be free to act as he might then find expedient, that he now declared that he gave a reluctant assent to it. He did not see that by agreeing, under those circumstances, to the resolution, he bound himself to the bill. He did not intend to enter upon the question of the Corn-laws, but as the right hon. Gentleman had drawn their attention in a particular manner to the large importations of corn, and the large exports of bullion, which, he said, would form matter for grave consideration, he would refer to other statements and returns equally well worthy of consideration. He wished to allude to the savings' banks, and to state that notwithstanding the high price of corn and necessity of importation, so far as the savings' banks were concerned, the social state of the working classes was proved to be exceedingly satisfactory. The right hon. Gentleman had quoted papers showing the amount of deposits and withdrawals for a successive period of years. He should also refer to the same source of information, and he found that in the year 1834, the deposits were 944,000*l.*, withdrawals 542,000*l.*; in 1835, deposits 1,850,000*l.*, withdrawals 540,000*l.* In 1836, deposits 1,289,000*l.*, withdrawals 543,000*l.*, In 1837 the deposits were 988,000*l.*, the withdrawals 800,000*l.* And last year, notwithstanding the great depression in the state of trade, the deposits were 1,475,000*l.*, and the withdrawals 463,000*l.* So that, in the course of last year, the deposits were the largest since 1834, and the withdrawals at the same time the smallest during any year of that period. He mentioned these facts, not with the view of founding any observations on the subject of the Corn-laws, but merely to state the fact, that so far as the condition of the people was to be gathered from the amount of deposits and operations in the savings' banks, a large importation and high price of corn had not been attended with those effects which many anticipated and believed. So much had been already said on the general finances of the country, that he would not detain the House by again travelling over the same ground. But in regard to the question of the Post-office revenue, he trusted that the right hon. Gentleman would give a proper notice of the day on which the conclusive opinion of the House was again to be taken on the subject, so that he might consider what course he should then pursue. At present he should content himself by observing that, reserving to himself the right then to meet the question with a negative, on either of the two branches into which it resolved itself:—First—whether the state of the public finances was such as to justify the House in incurring the hazard of the loss of more than one million of the public revenue,—Second, if so, whether the House was prepared to take the consequences of such a step, and to incur the responsibility of giving the unexampled precedent of fettering Parliament by a pledge to make up an uncertain deficiency ranging over an indefinite period of time.

Mr. *Warburton* rejoiced that by the course adopted by the right hon. Gentleman the Chancellor of the Exchequer, this question had at length been submitted to the deliberate consideration of Parliament, so that by the discussions in that House and throughout the country it might be ascertained whether it was proper to adopt the plan proposed or not. If Parliament should determine that it was not proper to do so, then it would be for the country to approve of or dissent from that opinion. He begged the House to consider what was the real position of the question. They had then—from official, indisputable returns, laid on the table of the House—from a body of evidence given before a Select Committee of their number—by men from all parts of the country, impartial, intelligent, and practically conversant with the subject, undeniable proofs that whether they looked to the state of the Post-office revenue in England, Scotland, or Ireland, that revenue had been stationary for the last twenty years, and occasionally even retrograding. What was the cause of that unsatisfactory state of that particular branch of the revenue? The other departments of public taxation had, generally speaking, made advances proportionable, at least in some degree, to the increased population and facility of intercourse throughout the kingdom. There must be some special reason for that solitary position of the Post-office revenue. Where then could they find the cause? He would refer them to the Appendix to the third Report of the Select Committee on Postage, and they would there perceive that the rate of postage charged for the transmission of each letter, compared with its actual cost, was at the rate of 1,000 to 1,400 per cent. He considered such a system not as one merely of taxation, but as extortion. It was a system to which he could find no parallel. It was totally unrivalled by anything in the financial annals of the country, unless, perhaps, he might single out the impost on tobacco. Let the House consider the evidence laid before them by the Select Committee as to the suppression of correspondence occasioned by the present heavy rates—the illicit intercourse which those high rates created—the devices for conveying letters by private hands which were resorted to—and he was confident they could not hesitate as to the advantages which would result from adopting the plan of Mr. Rowland Hill. When they found that such things resulted from the present scale of postage duties—when they saw that the Post-office authorities themselves admitted that the present state of things could not be maintained—were they still to hesitate in giving their conclusive assent to the adoption of a better system, because it was expected that there would be a deficiency rather than a surplus in the general revenue of the country? If they were to wait till a surplus in the general revenue should justify the change, he did not know when the public could expect to reap the benefit. The right hon. Gentleman the Chancellor of the Exchequer would tell them that in the present temper of Parliament it was not likely there would be a speedy surplus. Let them take the army, the navy, the colonies, or whatever department they chose, they would find a disposition prevailing on every hand to run into extravagance. Were they then he would ask, to defer proper and judicious measures until that extravagance should cease? Were they to defer the establishment of an acknowledged benefit, till such a vague and indefinite reason should arrive. And were they to defer it for the shallow reason, that because of the prevailing disposition to extravagance there was no surplus to justify the Government in adopting any great change in the financial policy, however just and expedient in itself. If they were to act on that principle he feared they should have to wait at least to the expiration of the forty or fifty years which, according to the evidence of Colonel Maberly, read by the right hon. Baronet, was expected to elapse before the Post-office revenue would recover itself from the effects of the change. As the right hon. Baronet had been pleased to read extracts from the evidence attached to the report of the Select Committee he would also refer to the abstract attached to that report the responsibility of preparing which had mainly devolved upon himself, and he would with the permission of the House, also read a portion of the evidence of the secretary to the Post-office, Colonel Maberly, which, on the subject of the reduction of rates, was as follows:

> "He certainly did think, and always said, that the present rates of postage are a great deal too high, and so he believed had every Postmaster-general for many years considered them; too high for the interests of the public, and too high for the interests of the revenue."

He merely quoted that evidence to show that in the opinion of a great Post-office authority the present rates were considered a great deal too high; and when they were told that these rates were too high bothfor the interest of the public and those of the revenue, the time was surely come for making the proposed Reform in the ground-work of this decayed branch of the public establishments, and for applying the remedy by which, instead of waiting for a surplus, they would, in all probability, do much to produce one. The next question, then, was, what sort of remedy they should adopt? He had already shown that the tax on the transmission of each letter was as high as 1,000 to 1,400 per cent. The actual cost of a letter was about ¾*d.*, and the postage charged on an average was 7¾*d.* on single letters. At a moderate computation, then, that amounted to 1,000 per cent. Let them glance a little to the system of postage in the neighbouring country of France. The cost of conveying a single letter in that country was about ¾*d.*, and the Post-office charged in that country, only at a five-fold rate of profit, instead of a ten-fold rate, as in this country. The right hon. Baronet had read the evidence of Post-office officials, and he had also followed his example. He should now read the opinion of a merchant—a gentleman extensively engaged in mercantile pursuits—who had given to the public, works of great importance and utility, and which had received just attention and admiration. He alluded to the evidence given before the Select Committee by Mr. Cobden of Manchester, whose opinion deserved every consideration. The House would find the opinion of that Gentleman to be thus expressed in answer to the question—What he thought of the manner in which the Post-office was conducted:—

> "I think the general feeling throughout the commercial community has not been so adverse to the mode of managing the Post-office, as to the legislation to which it is subjected; the rate of duties, which of course are laid by Act of Parliament, is not in the hands of the executive functionaries of the Post-office. That it is a total failure as a great commercial establishment—if I might so term it—is proved unquestionably to the whole community, by the fact of its being stationary in the amount of its profits and returns; we consider that the mode of conducting it has proved it to be a total failure — commercially speaking, the greatest failure in the country."

He might take up the whole night in quoting corroborative testimony. He might also quote the evidence of Mr. Jones Loyd, on whom none would speak on such subjects without fully acknowledging the importance and great weight of his opinion. That opinion was to the same purport. Was that disputed? Was it disputed that Mr. Jones Loyd considered the present rates of postage too high? Why, Mr. Jones Loyd, went further than Mr. Cobden, for he not only said that he considered the present rates too high, but he said, that looking at the matter in an abstract sense, and judging of its social and moral effects, he viewed the postage of letters, as altogether an unfit subject for taxation. In the course of his speech the right hon. Gentleman the Chancellor of the Exchequer had told them that in one particular quarter of the year the Post-office revenue had shown an improvement of 9 per cent., but when it was considered that on a comparison of twenty years the increase was only as 1½ to 1,000 he could not expect that the House could form any favourable opinion from hearing of that temporary improvement in one solitary quarter, as regarded the present system of Post-office taxation. He thought it was creditable at the same time to the right hon. Gentleman that he had come forward on the present occasion to propose the adoption of Mr. Hill's plan—certainly more creditable to him as the organ of the Government than if he had waited for a more favourable year, when the state of the revenue would have rendered it a measure of more easy attainment. Then as to the nature of the remedy. All the witnesses who had been examined by the Committee, with the exception of Colonel Maberly, had said that unless they made a large and sweeping reduction, the benefit of the change would be entirely lost—that it would be totally useless to make any moderate diminution of the rates, and that they need not attempt an alteration at all unless it were carried to such an extent as should give rise to large and new classes of correspondence. He was glad that the Chancellor of the Exchequer concurred in that opinion. He should now say a few words in justification of the course adopted by the Select Committee. It was true they had reported in favour of a uniform rate of twopence; but it was proper to state that they had done so only on the principle that a uniform rate of twopence was better than no uniform rate at all. At first he had proposed to the committee to recommend an uniform rate of one penny. He was unsuccessful in carrying that proposal, and he then recommended an uniform rate of 1½d. Again, unsuccessful, he proposed the twopenny rate; and more fortunate in that case than in the former, his motion was carried by the casting vote of the Chairman. To that vote of the committee he willingly acceded, because every argument which could be applied in favour of a twopenny rate was applicable with equal force to a uniform penny rate, and vice versa. By these means the Committee were enabled to embody in their report an account of the great extent to which correspondence by post was suppressed. They were enabled to bring forward every general conclusion in favour of Mr. Hill's plan—all facts and arguments in favour of a low uniform rate. He, therefore, did not adhere to the twopenny rate. The minority on the vote for a rate of one penny had acquiesced in the report, upon the ground which he had explained, that the facts and arguments would be equally, and indeed more applicable to a lower rate; and he, therefore, still adhered to the general plan of an uniform rate of one penny—a course which had been so ably advocated in the pamphlet of Mr. Hill—so fully explained and supported in the report of the Select Committee—and now, he was rejoiced to think, crowned with triumphant success. The changes which would be obviously necessary in consequence, were of two kinds: first, a reduction in the rates;—secondly, the adoption of measures necessary to facilitate the increased demand for Post-office communication. On the first of these, enough had been said already. Then, as to the second point, the measures to facilitate Post-office communication, the first of these was unquestionably payment in advance. The right hon. Gentleman, the Chancellor of the Exchequer, said, that although he wished generally to introduce the system of payment in advance, if he should judge proper, yet he wished to have a reserved power on that subject, and that it should be optional to pay in advance or not, as parties might prefer, at least for a limited period. Now, he was confident, that the measure would not succeed, unless pre-payment was enforced as a rule at once from its introduction. At present it was admitted by high authority, that it was impossible, under the present system, to ascertain how far collusion and peculation might go on among the deputy postmasters. He did not attribute dishonesty to those functionaries, but in the report of the commissioners on post-office inquiry, it was stated, that there was no mode of ascertaining how far peculation might extend among these officials throughout the country. Neither did that opinion depend on the report of one commission. It was repeated by several. The opportunities of defrauding the public in the manner referred to by those commissioners could be effectually suppressed by adopting the principle of pre-payment, by means of stamped covers; and when the risk of fraud was so great under the present rates, how much would it be increased under the reduced rate, when country correspondence would be so much increased! Then, as to the economy of collection in the revenue. Mr. Hill had laid before the committee calculations on that subject not contained in their report, showing that under the system of stamped covers and pre-payment, the expense would be one-sixth less than at present. The greater expedition that would be accomplished in the delivery of letters, by the pre-payment, would be productive of considerable saving. He would refer to the 18th Report of the Commissioners of Revenue Inquiry on that point, where it was said, that the time of delivering a paid letter would be only three seconds, that of unpaid letters would be eighty seconds per letter. He must say, that he viewed, with considerable alarm, the doubt which had been expressed of adopting Mr. Hill's plan of pre-payment and collection by stamped covers. He trusted, that the principle of pre-payment was not to be excluded, if experience should show that principle to be expedient. An objection had been made by a gentleman of high authority as a writer on political economy, Mr. M'Culloch, on the ground, that the public would not have security for the due delivery of their letters, if the principle of pre-payment were adopted. Now, it was his opinion, and in that view he was supported by M. Piron, the secretary of the Post-office department in France, that the system of registration proposed by Mr. Hill would be found to operate as a security against any risk of the abstraction of letters. Mr. Hill proposed, that a charge of one halfpenny should be made for the registration of a letter, for which the post-office should grant a receipt to the party paying that sum, containing a copy of the direction of the letter. In this way the circumstance could only be known to the person who posted the letter, and the party who gave the receipt; and it really did appear to him, and he might say to every impartial mind, that by adopting the system of registration, the security would be greater to the public under the plan of pre-payment and collection by stamped covers than under the present plan of management, and enabled him to set at nought the opinion so confidently expressed by Mr. M'Culloch. He should here observe, that a premature alarm had been alluded to as existing on the part of the paper-makers, who were apprehensive that a monopoly would be given for the supply of the paper necessary for the stamped envelopes. He considered it quite premature to enter at present into details, but he thought the Government ought to let it be generally known, that they wished to obtain the best plan to prevent forgery. Let them make that known on a principle of free competition, and delegate the decision to proper judges; and let them then give a pecuniary reward to the person who brought forward the best practicable plan, and no ground of complaint could remain. With regard to the question of the pledge to be given by Parliament to make good any deficiency in the revenue occasioned by the failure of this plan, he was quite ready individually to give such a pledge, upon certain conditions. But he must first know at what time the Government proposed to call on the House to redeem the pledge—whether a fair trial was to be given to the plan? He would have no objection whatever to vote for a new tax, to cover any deficiency caused by the failure of the plan, provided the state of the revenue required it; but he should by no means be prepared to do this, at the end of twelve months, because he was quite satisfied that twelve months would not be a sufficient time to afford a fair trial of the plan. The right hon. Gentleman called on the House to pledge itself to make good any deficiency in the Post-office revenue that might arise from the failure of this plan; but did he mean to say that, whatever might be the state of the finances of the country—whether there were a deficiency in the general revenue of the country or not—he would still call on the House to redeem its pledge? If the right hon. Gentleman meant this by his resolution, he could not enter into any such engagement. He maintained that twelve months would not be a fair trial of his plan. Look at the case of the advertisement duty. It was reduced from 3*s*. 6*d*. to 1*s*. 6*d*., having been retrograding for four years previously; yet the revenue arising from the advertisement duty was now 75 per cent. of what it was before the reduction, and it was advancing at the rate of eight per cent. per annum; so that in three years from the time of making the reduction, the revenue from the advertisement duty would amount to as much as it was before the reduction. Yet no one would now come down to that House to call for the imposition of a new tax, to cover the 25 per cent. now deficient in the advertisement duty. He maintained, that there ought to be a full and fair trial of the plan, and he did not think that less than three years would be sufficient to form an opinion of its effects. At the expiration of that period, he would be ready to make good any deficiency of revenue, should it arise. But he was of opinion, that no such deficiency would be found to exist, and that therefore the House would not be called upon to fulfil the pledge, even if it were given. The Government were entitled to the thanks of the country, for having adopted the plan in the manner they had done, and particularly when the present state of the revenue of the country was borne in mind.

Mr. *Wolverley Attwood* said, if the right hon. Gentleman meant, by his resolution, to pledge the House to adopt any tax which he might think fit to propose, for the purpose of making good a deficiency caused by the failure of this plan, he apprehended that the House would not be disposed to give any such pledge. If, on the other hand, the right hon. Gentleman did not mean to push his resolution to that extent, then he apprehended that the resolution would be unavailing; because, although as individuals they might be ready to assent to the tax the right hon. Gentleman might propose, yet each one would raise objections to the particular tax proposed, and endeavour to bring forward some proposition of his own. With reference to the right hon. Gentleman's financial statement, he could not refrain from censuring it, as well as his declaration of his intention to allow the financial affairs of the country to remain in their present state. The right hon. Gentleman calculated, that the deficiency in the revenue would be 900,000*l*.; but what ground was there for depending on his calculations? For his own part, he maintained there was a much greater probability of finding the revenue below that of the previous year, than that there would be an excess. On the 18th of May, last year, the right hon. Gentleman expressed his belief, that notwithstanding the deficiency of the previous year, there was no fear for the future, when the then state of commercial affairs of the country was looked at, and the 10,000,000*l*. of bullion in the coffers of the Bank of England were considered. What sentiments did the right hon. Gentleman entertain now? Were not the commercial affairs of the country in a state of great danger? Was not the amount of Bullion in the Bank very much reduced? If, upon the current year, there was a deficiency, would the right hon. Gentleman be prepared to meet the consequences on the trade and commerce of the country? Under such circumstances, in how much worse a position would the right hon. Gentleman be, if he came down to propose new taxes, or to add to the unfunded debt, than if he were, at once, to take that step at the present time?

The *Chancellor of the Exchequer* hoped the right hon. Gentleman would at once state at what stage of the bill he proposed to offer his opposition to it; whether on the report of the resolution, or on the second reading of the bill.

Sir *R. Peel* had no desire for a double discussion on the question. He never was disposed to carry on a mere vexatious opposition, after a question had been fairly decided upon, and he would therefore be prepared to take the discussion on the report, provided an early day was fixed for the purpose, and provided the bill was strictly in accordance with the resolution.

The *Chancellor of the Exchequer* would fix Friday next for the report, with the understanding that the discussion was then to be taken upon it. He was quite at a loss to understand the line of argument adopted by the right hon. Baronet. The effect of it, as far as he could see, was, to say, that until this country was in the situation of possessing a surplus revenue of 1,500,000*l*., with which to try the experiment, this plan ought not to be adopted. Hon. Members seemed disposed to treat too lightly the proposition for the House to give a pledge on the subject. He, for one, could not deal lightly with it. He looked upon such a pledge, not as one made to the government of the day, or to the constituency, but as a pledge to the public creditor, that if the means of defraying the debt due to the public creditor became diminished, then those who had called for the measure that had caused the danger, would be prepared to meet the consequences. Such a pledge as this was very different from a mere pledge on a political question. The hon. Member for Bridport had asked whether the redemption of the pledge would be demanded, even if the state of the public revenue did not require it. He had no intention, under such circumstances, to demand the redemption. One great argument in favour of the present plan was, that with the increase of the means of communication, there would be a great increase of commerce. If then there appeared a loss of 500,000*l.* on the Post-office revenue, at the same time that the other branches of the revenue yielded a surplus of 1,000,000*l.*, it was no part of his proposition, that in that case the pledge should be redeemed. He was, however, quite satisfied that the House of Commons would not refuse to make up the deficiency, if necessary. He could not sit down without protesting against what had fallen from the hon. Member for Kilkenny, on the subject of the Bank. The mode of discussing the question adopted by the hon. Member, might do a great deal of harm, but could not possibly do any good. Nothing was more to be deplored than this incautious and inopportune manner of discussing matters connected with the Bank.

Mr. *Gillon* objected to the financial statement being brought forward at this late period of the Session, when hon. Members were pairing off, and there was not the means of obtaining the sense of the House upon the question of what taxes should be continued and what abolished. To bring forward the Budget at this advanced period of the Session was, in fact, a mere farce. He was glad that the hon. Member had now, for the first time, adopted the principle of shifting taxation. At the same time, however, he could have wished that the right hon. Gentleman had taken up the subject on a broader basis, and had done something to relieve the industrious classes from some taxes which press hardly and unequally upon them. He regretted, too, that the right hon. Gentleman had not announced any intention of attempting to ameliorate the system of taxation on the internal communication of the country, and he regretted this the more on account of the pledge given by the right hon. Gentleman on this subject on a former occasion. The right hon. Gentleman then pledged himself to bring in a bill to remedy the unequal system of taxation, by the operation of which the most meritorious and industrious classes of the community were rapidly sinking from a state of affluence to ruin. Great complaints had been made by the postmasters in Scotland at this neglect in reducing the post-horse duties, and he could not help considering there had been a breach of faith after the promises held out on the subject by the Chancellor of the Exchequer. He should not be satisfied until this duty was taken off, and he should bring the subject under the consideration of the House on an early day in going into a Committee of supply, and he trusted that the House would support him in getting rid of this unjust and unequal system of taxation.

The *Chancellor of the Exchequer* stated that at the time the motion of the hon. Gentleman was brought before the House on the subject of internal communication, the question of the postage duty had not been mooted or brought under consideration. This question was quite large enough for the attention of Parliament, without mixing it up with extrinsic matters with which it had no connection whatever. He had told the deputation of postmasters that waited on him that it was thought desirable that the question of the postage on letters should be taken up by the Government, and that their case could not be taken up at that time. The parties expressed their regret, but apparently acquiesed in his opinion, and that the postage question was much more pressing than their case.

Mr. Alderman *Thompson* thought that nothing would be more prejudicial to the public interest than that a tax should be taken off one article and imposed on another, in the manner that had been suggested to-night. With respect to the statement of the Chancellor of the Exchequer, he must say, that he could not help questioning the policy of increasing the amount of the unfunded debt, as it was quite large enough at present. Looking to unquiet times which might arise, it would have been better if he had proposed to fund a considerable quantity of Exchequer Bills. It should be recollected that these bills were payable on demand at certain dates, and that at the present time the Exchequer Bills amounted to 22,000,000*l.*, and their charges must be met, and these circumstances should be considered by the Chancellor of the Exchequer in framing his financial scheme for the present year. He regretted also the departure from the usual practice of Chancellors of the Exchequer as regarded the keeping the expenditure within the income of the current year. This was the third year in which this bad policy of departing from this course had been pursued. Depend upon it the old practice was more in conformity with sound policy, and it was better to have a surplus income than leaving matters thus to chance. He entirely concurred in what fell from the Chancellor of the Exchequer as to the conduct of the Bank of England. If the hon. Member for Kilkenny was determined to persist in bringing charges against the Bank, he at any rate ought to be prepared with facts to support his assertions, instead of relying upon sources of information which, to say the least of them, were very questionable. The whole statement of the hon. Member was a gross exaggeration of the facts, and the hon. Member had indirectly been imposed on by the parties communcating with him. The hon. Member said, that some time ago the Bank had nine millions and a half of bullion in its coffers, and asked how was it that this amount had been reduced to the present small quantity now in its possession. The right hon. the Chancellor of the Exchequer had very satisfactorily explained this, when he stated that 2,500,000 quarters of foreign wheat and flour had been imported in consequence of the bad harvest last year, and that for this it was necessary to pay upwards of seven millions sterling. In consequence then of the bad harvest, upwards of seven millions more had been exported than in the previous year; and how was this to be done in markets where there was no demand for our manufactures, unless by the payment of bullion. and therefore that amount had been taken from the coffers of the Bank. The hon. Member said, that the amount of bullion in the Bank had been reduced to three millions, and that to-morrow there would be a demand of six millions for the payment of the interest of the national debt. The hon. Member should be cautious in indulging in such imputations without knowing the ground he rested on. The only information he could obtain on the subject was the quarterly return of bullion published in the *Gazette*, which in the last return gave a return of 4,440,000*l.* He hoped that for the future the hon. Member would not indulge in such wild and visionary assertions respecting the Bank, but would abstain from observations of the kind until he knew that he could rely on the authority given him.

Mr. *O'Connell* would not enter at all into what had just fallen from the hon. Member, as he wished to confine his attention to the question on which they were to vote. He heartily supported the resolution in both its branches. That part of it which altered the postage to a penny on each letter he thought would be one of the most valuable legislative reliefs that had ever been given to the people of this country since he had had a seat in Parliament. It was impossible to exaggerate its importance. It would be of immense importance to his own countrymen. All parties in Ireland were agreed upon the propriety and necessity of it, and they would be surprised to find that it was to be made a party question of—that they were to be threatened into a division upon it, and that this day week was the day on which they were to have the struggle. The House ought not to shrink from it. It was impossible to deny that that was intended, and that all the petitions of the people were to be frittered away into a question of how many Members could be whipped up on each side of the House. It would have been different if there had been a proposition made to separate the resolution by dividing it into two—into that part which reduced the postage, and that which gave the pledge. That would have been the better way for hon. Members to have proceeded who had any objection to this resolution at all, because then it would have been seen that both sides had been in favour of the reduction. That had not been done but the whole was to be opposed. Let hon. Members look at the advantage that this was calculated to afford. Could any man consider the question and not agree with him that all the Government should have required was to be indemnified against the expense of the Post-office. Nay, if the postage on letters was not sufficient for that, Government oughtto make a sacrifice for the purpose of facilitating communication. It oughtnot to be burthened with a single farthing more than defraying its expenses. It had, however, been made a source of revenue, and how? By almost laying a prohibition on communication between the poor: a tax light upon the rich, but heavy upon the poor—and that was the system on which party politics was now to be called forth, for the purpose of keeping up in this country a system which burthened the poor, interfered with all the social feelings of life prevented parents from hearing from their children, and husbands from their wives. He thought it was bad enough to make Canada a party question—bad enough to make Jamaica a party question; the Poor-law had been made a party question, and many Members, he believed, had come into that House by raising a cry against the Poor-law; but this, which was such a burthen to the poorer classes, ought surely to be exempt from party feeling. Now, there were a great many of his countrymen in London who might wish to write to their friends in Ireland. One thing was well known of them, and that was their universal desire to save a little money to send over to their poor friends in Ireland, and, for his own part, he wished he had forty franks a day, because he was sure he could dispose of them, in assisting his poor fellow countrymen in that manner, to the best possible advantage. If, for this purpose, the poor man paid the postage of his letter, he paid more than two days wages in London. If he did not pay the postage of it, it cost a week's wages to the party who received it in Ireland in postage; that was one-fiftieth of the income of the party who received it. If the higher classes in this country—if the Gentlemen he was now addressing, were so taxed, as that they could not receive a letter from their sons without paying a fiftieth of their annual income for it, he did not know what the extent of indignation would be that would not be expressed by them. It was inquired what the deficiency was to be raised from. Was it to be put upon salt, malt, or corn? That was part of the tactics of the hon. Gentlemen opposite. They wished the Ministers to fix upon some tax that peradventure there might be some objection to it. And all this was thrown out before it was certain there would be any loss at all. He wished hon. Members to look at the effect of railroads. Upon the only railroad in Ireland a reduction of 1*d*. upon 9*d*. had increased the numbers of passengers going by the carriages 27 per cent. in four months, and in that way of looking at it in all probability in a very short time any immediate decrease would be fully made up. Who could estimate the immense increased quantity of letters that would be written in consequence of this reduction. He thought the probability was, that instead of the revenue being diminished, it would be considerably increased, and were they to have a party trial under such circumstances. Were they disposed to confirm the vote for reducing the rate of postage? If they were, why then should they refuse to pledge the House that the deficiency should be made up? Why they must make it up—and were they to oppose the most useful of all measures because it was encumbered with a superfluous pledge? Were they to oppose it because the Chancellor of the Exchequer, as an honest man, had thought he was bound to require this security, that the public should not sustain any loss by it? He thought the House would pause before it agreed to a suggestion so absurd. He never supported a motion with greater pleasure than he did the present.

Mr. *Hodgson Hinde* regretted, that the right hon. Gentleman opposite had not brought forward a proposition to reduce the duty on post horses. He did not in this accuse the right hon. Gentleman of a breach of faith, but he thought the post-horse masters would consider it very unsatisfactory to be told by the Chancellor of the Exchequer that he refused to reduce that duty, but that he would give them a reduction in the Post-office. In reference to the Post-office, he was of opinion that the House and the country ought to have time to consider the nature of the pledge that was now submitted to them.

Mr. *Darby* complained of the hon. and learned Member for Dublin having accused Gentlemen on his side of the House of attempting to bring forward a party spirit to the consideration of this question, simply because they wished to have time to consider the effect of the proposition made to them by the right hon. Gentleman opposite. If a tax were to be placed on steam boats to raise the anticipated deficiency, he was sure the hon. Member for Greenock would complain of that. If it were to be placed on malt, he himself would complain of it; and if it were to be placed on salt all the public would complain of it. It was unfair also in the hon. Member for Dublin to complain that those on the opposite side of the House had not separated the resolutions. Why did he not address that to the Chancellor of the Exchequer, who had pledged himself either to carry the whole resolution or to withdraw it.

Sir *J. R. Reid* was much astonished and surprised to hear that his hon. Friend the Member for Kilkenny had charged the directors of the Bank of England with a breach of faith, and he would tell his hon. Friend that if he knew them as well as he did, he would not say what he did of them. With regard to the course which they had pursued, he could only say, that if the same thing were to happen to-morrow, they would follow the system which they had adopted, in which they were fully justified. He sincerely regretted that he was not in the House when the hon. Member for Kilkenny made his observations, in order that he might have taken him up a little sharper than he could now do. [*Laughter.*] Hon. Members might laugh, but it was no laughing matter. The hon. Member for Kilkenny had been endeavouring for some time past to talk the Bank of England down; and his example had been followed, and he said it with regret, by several newspapers. The Bank, however, was perfectly justified in doing what they had done, and feeling conscious that they were in the right, they would not care what hon. Gentlemen or other parties might say. He had been told that the hon. Member had even been witty upon the Bank—nay, more, had made use of his (Sir J. R. Reid's) name. He could only say that the hon. Member was more humorous than he expected from him.

Mr. *Hume* was perfectly innocent of intending any attack on his hon. Friend. At one of the observations that he had made on the subject, the House had laughed; and it was not immediately that he perceived what it laughed at. He was perfectly innocent, in the first instance, of having introduced the name of his hon. Friend; but he had merely stated, that the Government, when it placed reliance on the Banks of England and Ireland, trusted to a broken reed. He did not then think, for a single moment, of the name of his hon. Friend, and it was not till he saw the great effect that he had produced that he was aware of what he had said. The Member for Sunderland said, he had made a most unfounded attack on the Bank. Now, what were the facts of the case? The Bank had put forth a notice on the 20th of May, that they were prepared to make advances on Exchequer Bills to the 23d of July, and parties having Exchequer Bills went, therefore, before the Chancellor of the Exchequer, to renew them, but on the 20th of June an order came from the Bank parlour, stating that no such advances would be made for the future. He, on this ground, distinctly charged the Bank with a breach of faith. He thought it was a most unfair and unjustifiable proceeding. He only regretted, that he had had no opportunity of bringing the subject of the Bank forward at an earlier period.

Mr. Alderman *Thompson* wished to put the hon. Member for Kilkenny right, by telling him that the notice of the 20th of June had no reference to Exchequer Bills, and that the Bank for years had not been in the habit of advancing money on them.

Mr. *Hume* said, the worthy Alderman knew nothing about it. He had a copy of the order, and the hon. Member was altogether wrong. The first notice on the 28th November, was to make advances on Bills of Exchange, Exchequer Bills, India-Bonds, and others, at 3½ per cent On the 28th February, the same notice was again given, and repeated on the 30th May, varying the rate of interest. The notice of the 20th June, which raised the interest to 5½ per cent., excluded Exchequer Bills. This was an instance of the way in which their affairs were managed.

The *Chancellor of the Exchequer* said, that Exchequer Bills were, he believed, stated in the first order, but not in the others. But it was stated that the Bank had a discretion which it might exercise to the exclusion of these securities. Now, by the bill which he had the honour of passing through Parliament on the usury laws, the Bank was at liberty, such being the existing law, to continue advances on Bills of Exchange. What had been done was the result of the law, and did not depend on any arbitrement of the Bank. With respect to the raising of the rate of interest, he would not now discuss that point, except so far as to say, that it followed as a necessary consequence of the bad state of the law, and was a reflection on their own imperfect legislation. He would take that opportunity of saying, that it had been surmised that injustice had been committed by the Chancellor of the Exchequer in allowing exchange to take place, and these securities to be taken at a time when they were rendered less available to their holders. Such a charge, if true, would be a grave one; but he could assure the House, that he knew nothing of the alterations adopted by the Bank of England until the day on which they had taken place.

Sir *J. R. Reid* concurred in every word which had fallen from the right hon. Gentleman, and said, that the Bank had had no communication with him whatever upon the subject. With respect to what fell from the hon. Member for Kilkenny, he must tell him that the particular securities he alluded to, were excluded in the notice of the Bank, inasmuch as it was out of the power of the Bank legally to make advances on them. He trusted, the Chancellor of the Exchequer's Bills of Exchange Bill would pass into a law, and he would take that opportunity of saying, that he was sure it would be received with favour by the commercial world.

Mr. *Scholefield* said, that one hon. Member had remarked, that no tax could be proposed but some objection would be made to it. There was one tax which he trusted would meet with no opposition, and that was a property-tax. The way to relieve the poor was, for the rich to take the burden on their own shoulders.

Resolution agreed to.

The House resumed.

BILLS OF EXCHANGE (SECOND BILL).] The Chancellor of the Exchequer moved the Order of the Day for bringing up the Report of the Bills of Exchange Bill, No. 2.

Report brought up. On the question that it be read,

Sir *R. Inglis* said, that it involved a proposition which he feared the House was not aware it contained. He took blame to himself for not having taken the sense of the House upon it on a former occasion, and he should now, if the House would support him, move the omission from it of the words "no contract or forbearance of any sums above 10*l.* sterling." The hon. Baronet concluded by moving the omission of the words "nor any contract for the loan or forbearance of money above 10*l.*"

The *Chancellor of the Exchequer* admitted the importance of the point to which the hon. Baronet had adverted, but he thought, that as the usury laws had been relaxed as far as bills of exchange at three months were concerned, it would be absurd now to leave out words which would render contracts sanctioned by the bill illegal. This was the effect which the proposition of the hon. Baronet would have. His opinion was, that the repeal of the usury laws would be an advantage; but it was expedient, at the same time, to preserve the exception contained in the bill for preventing imposition on the poor. He hoped the hon. Baronet would not persevere in his amendment, and that the House would agree to the report.

Mr. *Darby* supported the amendment, and said, that when they were legislating for the commercial world, they should not forget all other interests.

The House divided on the original motion:—Ayes 92; Noes 11:—Majority 81.

List of the AYES.

Adam, Admiral
Aglionby, H. A.
Archbold, R.
Attwood, T.
Bailey, J.
Beamish, F. B.
Bernal, R.
Blair, J.
Bolling, W.
Bramston, T. W.
Brocklehurst, J.
Brotherton, J.
Bruges, W. H. L.
Burroughes, H. N.
Busfeild, W.
Callaghan, D.
Currie, R.
Dunbar, G.
Eliot, Lord
Elliot, hon. J. E.
Ellis, W.
Evans, W.
Ferguson, Sir R. A.
Finch, F.
Gordon, R.
Gore, O. J. R.
Gore, O. W.
Grey, right hon. Sir C.
Hastie, A.
Heathcoat, J.
Hector, C. J.
Hinde, J. H.
Hobhouse, T. B.
Hodgson, R.
Hope, H. T.
Hope, G. W.
Hughes, W. B.
Hume, J.
Hurt, F.
Hutt, W.
Jervis, J.
Lascelles, hon. W. S.
Lushington, C.
Macleod, R.
M'Taggart, J.
Martin, J.
Miles, P. W. S.
Morpeth, Lord Visct.
Morris, D.
Muskett, G. A.
O'Brien, W. S.
O'Connell, J.
O'Connell, M. J.
O'Ferrall, R. M.
Parker, R. T.
Pease, J.
Pechell, Captain
Philips, M.
Pigot, D. R.
Pryse, P.

Redington, T. N.
Reid, Sir J. R.
Rice, right hon. T. S.
Roche, E. B.
Roche, W.
Russell, Lord J.
Rutherfurd, rt. hon. A.
Salwey, Colonel
Scholefield, J.
Seymour, Lord
Sheil, R. L.
Sheppard, T.
Smith, R. V.
Stanley, hon. E. J.
Steuart, R.
Stewart, J.
Stuart, W. V.
Stock, Dr.
Strutt, E.
Style, Sir C.
Talfourd, Mr. Sergt.
Thomson, rt. hn. C. P.
Thompson, Alderman
Thornely, T.
Vigors, N. A.
Vivian, J. H.
Wallace, R.
Warburton, H.
Ward, H. G.
Wood, Sir M.
Wood, G. W.
Yates, J. A.
Young, J.

TELLERS.

Baring, F. T.
Parker, J.

List of the NOES.

Bradshaw, J.
Broadley, H.
Burrell, Sir C.
Cole, Lord Viscount
Douglas, Sir C. E.
Henniker, Lord
Knightley, Sir C.
Lincoln, Earl of
Rushbrooke, Colonel
Sibthorp, Colonel
Thomas, Colonel H.

TELLERS.

Inglis, Sir R. H.
Darby, G.

Report agreed to.

HOUSE OF COMMONS,

Saturday, July 6, 1839.

MINUTES.] Bills. Read a first time:—Assessed Taxes Composition; Soap Duties Drawback.—Read a third time:—Glass Duties; Bills of Exchange.

FACTORIES.] House in Committee on the Factories Regulation Bill.

Lord *Ashley* said, that at ten o'clock that morning, only two hours before the meeting of the House, he had received four large pages of amendments intended to be proposed by the hon. Gentleman (Mr. Fox Maule.) He had not had time to read them, much less to consult any one upon them; for it had been his invariable rule to submit every clause of the bill to a legal adviser, but that was quite impossible with these amendments. The hon. Gentleman should recollect that the Government had had charge of this Bill five months, and they must have known whether they intended to propose it for the further consideration of the House. He had been under the impression that the Bill would not be further considered this Session. As the Government seemed to be at a loss to know one day before another what they would do, it was impossible for the House to anticipate any particular business. These amendments, he dared say, would affect very much the whole principle of the Bill: he did not know positively that they would, but at all events the hon. Gentleman should so have arranged the business, as to give the House time to look into them. The hon. Gentleman would do him the justice to say, that he had given notice of every amendment which he had contemplated; and if he were now to propose any other affecting the principle of the Bill, he should feel it his duty first to give notice of them. For his own part, for want of sufficient opportunity, he should not be able to pass any opinion on the amendments of the hon. Gentleman.

Mr. *F. Maule* said, the amendments had been suggested to him by certain parties who took an interest in the Bill. He did not think they would greatly affect the principle of it, and he could only say, that if there had not been sufficient time for their consideration, it was not his fault—it was because they had not been submitted to him at an earlier period. If, however, the House should repudiate these amendments, he would go on with the Bill as it stood.

On clause 18, providing that factory owners and others may agree to establish schools, being read,

Sir *J. Graham* objected to the clause, as interfering with the rights of persons to combine for the purposes of education under any religious forms, inasmuch as it would give an arbitrary power to the inspector with regard to the approval of the system agreed upon. For instance, the inspector might be a Dissenter, and the factory-owners Churchmen, and he would then naturally object to a system founded on their principles. He should, therefore, be disposed to strike out that portion of the clause which gave such arbitrary power to the inspectors.

Lord *J. Russell* said, that it had been thought desirable, to insure the better operation of the Factory Act, that schools should be established by the manufacturers themselves, to which the children might resort, and the object of the agreement proposed in the clause, was to insure such combinations of persons as would render the pecuniary support of the schools certain, care would be taken to have proper persons appointed as inspectors.

Clause amended.

On the question that the clause as amended stand part of the Bill.

Mr. *Langdale* moved the addition of the following proviso:—"Provided always, that no such rules as aforesaid, nor such approval of such inspector as aforesaid, shall authorize the education of any child in such school in any religious creed other than that professed by the parents or surviving parent of such child; or in case of orphans, to which the guardian or guardians, godfather or godmother of such orphan shall object."

Mr. *Colqhoun* said, the effect of the hon. Gentleman's amendment would be to deprive the children of Roman Catholics of all education in places where the schools were established on the principles of the established church.

Lord *J. Russell* thought the children of Dissenters and Roman Catholics would have a perfect right to object to go to schools where the church catechism was taught.

Mr. *Langdale* said, that if this clause as it stood, were suffered to remain, it would be an outrage on all the principles of toleration recognized by the British constitution. How would any hon. Gentleman in that House, he being a Protestant, like to have his children compelled to receive instruction in the principles of the church of Rome? He felt it an imperative duty to oppose the clause, and he would take the sense of the Committee on it: if it were carried, he would divide the House on the bringing up of the report, and in every stage of the Bill he would oppose it, if this clause were retained in its present form. He would also endeavour to get the previous clause struck out.

Mr. *Slaney* did not believe, that hon. Gentlemen, either on one side of the House or on the other, wished to force the consciences of those who differed from them, and therefore he thought it was possible to adjust this matter without going to a division. No child could be employed in a factory without producing a certificate of attendance at school from the inspector, who, according to the noble Lord's explanation, was not to meddle with the terms of the agreement upon which the schools were founded. But suppose the agreement was for a school on the national system, and there was no other school, what was to become of the child of the conscientious Dissenter, or of the Roman Catholic? The noble Lord, the Member for North Lancashire knew that all the great towns of the county he represented, swarmed with poor Roman Catholics, and, as he was a friend to toleration, he asked him what was to become of their children if they were not able to attend schools of other principles? If the agreement were exclusive, it would be a great grievance to Roman Catholic children to deprive them of their certificate, because they could not attend an exclusive school.

Proviso added, and clause as amended agreed to.

Clause 19, providing that registers be kept in every factory, having been read,

Lord *Stanley* objected to giving the legislative powers which this clause conferred on the inspectors. They would have, if this clause were adopted, the power each of making such rules as they might think fit, and of enforcing those rules by penalties. No uniformity by such a plan could be secured, and he thought such extensive power was impolitic, while it was also unnecessary. The registers ought to be framed on one uniform plan, and not to be left subject to the conflicting regulations of the different inspectors. He should therefore propose, that after the words "occupier of every factory," the words "according to a form in the schedule to this act annexed" be inserted. He thought Parliament ought to define the form of the registers, and add a schedule to the bill, by which a uniform system would be secured, and if his amendment were agreed to, he should afterwards propose that such a schedule be added.

Mr. *M. Philips* thought this clause extremely arbitrary, as it gave a power to send for papers and documents, and if the House sanctioned such a measure, it would not be long before a power would be granted to send for persons also.

Mr. *F. Maule* thought no good would arise from preventing the inspectors from framing such rules as they might see necessary, as those rules would have to be sanctioned by an officer who would be responsible to Parliament. To secure uniformity it was provided that the inspectors should meet twice a-year to agree on such rules as in their opinion ought to be generally adopted.

Lord *Stanley* wished to ask, if the hon. Gentleman had consulted the inspectors, whether it was their opinion that it was impossible to frame a schedule which would secure perfect uniformity? It was his intention to press his amendment to a division.

Lord *J.* *ssell* was of opinion, that

such a schedule as had been proposed by the noble Lord might be prepared by Parliament and annexed to the bill, and he was not therefore disposed to object to the amendment. He thought, also, that some general rules might be made by the House, but he was afraid that if the bill defined everything which the inspectors would have the power of doing, they would be obliged year after year to come to Parliament and ask for new bills granting additional powers, as it was impossible at once to legislate upon all the points which might afterwards arise.

Amendment agreed to.

Mr. *W. Patten* objected to the power given by the clause, by which the inspectors would be enabled to require the occupiers of mills or the owners to furnish such information as those inspectors might consider necessary, and as often as they might deem necessary. He thought it would be perfectly sufficient to give the inspectors the power of making extracts from the registers. He should, therefore, propose, that in line 30, after the word "power," the words "to make extracts from the registers at any time they may think proper," be added. It was unjust that the owners or occupiers of mills should be required to furnish information to the inspectors at their own expense when that information was required for public purposes. It was a power very liable to abuse, and he should therefore take the sense of the House on the limitation which his amendment would secure.

Mr. *G. Wood* said, the power which the clause conferred on the inspectors might not be arbitrarily used, but he thought it was unwise for Parliament to give powers which were liable to be abused, and that too without any limitation.

Mr. *F. Maule* said, this clause was framed for the protection of the children in factories, and he was surprised that those who advocated the cause of the children were now silent. He could not consent to the amendment which had been proposed. The expense of furnishing information was at present paid by the millowners.

Lord *Stanley* said, it was impossible to conceive that any information could be required which could not be obtained as well without this clause as with it. He thought the inspectors ought to examine with their own eyes, and that they ought not to reside in London. The information required was for the public, and the expense ought, therefore, to be borne by the public, and not by the mill-owners.

Lord *Ashley* did not believe that under such a complicated system the children could be protected, unless very great powers were given to the inspectors. As to the power of the inspectors being abused, he did not think there was any good ground for such a supposition. He should vote for the clause.

Mr. *P. Thomson* thought it would be very inconvenient, when the House called for any returns on this subject, if the inspectors had to go round to collect the information necessary to comply with the order of the House. If they were required to do so, the returns could not be made within anything like a reasonable time.

Amendment withdrawn.

On Clause 22, relating to the appointment of four inspectors of factories under this bill, being proposed,

Mr. *W. Patten* said, this clause, and the next, which referred to the appointment of sub-inspectors, were the most important in the whole bill. He had already stated, that it was his wish to get rid of the sub-inspectors altogether, and to have instead of them officers appointed of the same class and rank as the present inspectors, but he feared he should not be able to carry any proposition having that object through the Committee. He was therefore compelled to find out some other precaution to prevent any injustice being done under the increased powers conferred by the subsequent clauses of the bill; and he thought it would make the present inspectors more efficient than they were at present by obliging them to reside within their respective districts, and thus to compel them to have a more immediate superintendence over the sub-inspectors who were to carry the powers of the bill into effect. He should therefore move, after the words "providing that the present inspectors should hold their offices during her Majesty's pleasure," to insert the words "and so long as they shall reside within their respective districts."

Mr. *P. Thomson* thought it was but proper that the individuals filling the office of inspectors should be of that character and condition as would secure to them the confidence both of the mill-owners and the public. He had not heard any complaints against either of those gentlemen, or those who now filled the offices of sub-inspectors, and he believed they all performed their duties extremely well; at the same time he must admit, that now it was proposed to give additional powers, there was on the part of the millowners, considerable mistrust. To make, however, all the offices under the bill of the same class of persons as the present inspectors, would throw a charge upon the country to which he did not think Parliament would be prepared to agree; for it should not be forgotten that the four inspectors now received each 1,000*l.* per annum, while the sub-inspectors were paid at the rate of about 300*l.* each. He thought the Committee might rest satisfied when the Government declared, that the course they wished to follow was to raise the salaries and characters of the sub-inspectors to make three of the inspectors resident in their respective districts, and to centralise the general inspection in London. This would be a work of time, and it was not possible to make in the present bill alterations to that effect,

Mr. *W. Patten* could not see any reason why the suggestion of the right hon. Gentleman could not be carried into effect in the present bill. He was convinced such an arrangement would create confidence both among the manufacturers and the friends of the factory children. He (Mr. W. Patten) had heard great complaints made against the sub-inspectors, both from the masters and those interested in the children,and he was surprised those complaints had not reached her Majesty's Government.

Sir *J. Graham* concurred with his hon. Friend the Member for North Lancashire in thinking that the Committee ought now to come to a final conclusion on this matter. The view which had been opened by the right hon. Gentleman opposite (Mr. P. Thomson) was one that was fit to be now taken into consideration. With regard to the next clause, he objected to the words "any number of sub-inspectors;" he thought the number ought to be fixed by the Legislature. He was sure such an arrangement as that suggested by the right hon. Gentleman might be carried out in the present bill; it would be easy to give a controlling power to an inspector-general resident in London, to fix the districts of the three local inspectors, to define the number of sub-inspectors with their salaries; in short, to make with the concurrence of Parliament all these arrangements, which would be more satisfactory to the millowners than the present proposition, which they now thought was both unsatisfactory and vexatious.

Mr. *F. Maule* observed, that his right hon. Friend had certainly laid down a satisfactory arrangement, but it would require several steps to be taken before that arrangement could be carried into effect. To do so, the House must be prepared to increase the expense—to sacrifice to a considerable extent existing interests; the present inspectors must be reduced to the level of those in the districts, or those in the district must be brought up to their level, and in order to get more respectable persons, the present sub-inspectors must be discharged at once. Would that be just, or could it be done without giving to those who would thus be dismissed some remuneration for the loss of the offices they at present held? Without inflicting great injustice the alteration could only be made gradually and by time.

Mr. *M. Philips* was of opinion that there would be no difficulty in framing the clauses of the present bill in such a way as to meet the views of the House in favour of the suggestion of his right hon. Colleague (Mr. P. Thomson). With that view it would be better to withdraw the clause now under consideration, and that the Chairman should now report progress and ask leave to sit again, in order to enable the Government to consider the suggestion.

Mr. *F. Maule* could not consent to withdraw the clauses. All he could do was to renew the promise made by his right hon. Friend, that in time such an arrangement as had been suggested should be effected.

Sir *J. Graham* said, that if Parliament was to wait until the present officers died off, he feared that legislation on this subject would be postponed far beyond the favourite period of 1842. What were the vested interests of these sub-inspectors—why should there be a special case made in their favour, when the House had seen in what manner the vested interests of the Chief Justice of Malta, of the Attorney-general of Malta, and of Mr. Cumberland had been treated by her Majesty's Government? He hoped the Government would postpone these clauses in order to give consideration to the whole case of the inspectors. The President of the Board of Trade had admitted that the existing sub-inspectors were not exactly the persons that should be employed.

Mr. *P. Thomson* thought he had been uncandidly dealt with. The cases alluded to by the right hon. Gentleman were not analogous to that of the sub-inspectors, because there had been no complaint against them, either of their having done nothing at all or of their having done wrong. It would be most unjust to turn them off without compensation.

Sir J. Graham moved that clauses 22 and 23 be postponed.

Lord *Stanley* asked, were they to adapt all their details to a confessedly vicious system, and give powers to inspectors which they ought not to have, or were they to deprive future inspectors of powers which they ought to possess? The new system to be introduced must be introduced by Act of Parliament, and not by the power of the Government. But when was that to take place? Were they to give a pledge, as the House was asked last night, to do something at some future period unknown and undefined? He did not think the alterations which had been recommended would cause an increase of more than 3,000*l.* in the expense. In fact, he was of opinion, that the hon. Gentleman, the Under Secretary of State, who had a great deal of trouble with the bill, was getting sick of it, and that he did not care how soon he got rid of it. He thought it would be better to postpone the clauses.

Mr. *Harvey* said, the hon. Gentlemen on the Opposition side of the House gave too much credit to the Government for a disposition to economize. He believed that if the noble Lord would only press his suggestions a little further, her Majesty's Ministers would adopt them. In fact, they were only angling for the opinions of the Opposition, and endeavouring to fish out materials of which they could compose such a measure as they could carry without risk of defeat. But notwithstanding the imagined economy of the Government, if the great leader of the Opposition in the cause of economy were present (the hon. Member for Lincoln), he could anticipate the burning eloquence which would be drawn forth by the enormous proposition for having a general inspector in London, four resident inspectors at 1,000*l.* a-year, and sixteen others. He could conceive the indignation with which that hon. and gallant Member would exclaim, "Another commission! Another system of centralization! Another great office for some cousin in reversion!" Such an army of dependents could only have been recruited and got together by a Government like the present. It was gratifying, however, to see, that whatever might be the defects of this bill, after a due course of prudery, the Government would adopt the suggestions of the noble Lord and his friends; therefore he need not be uneasy on that score. There could be no doubt about it, not the slightest doubt; they were only waiting to see if the Opposition were all desirous of having a chief inspector at 1,200*l.* a-year, and they would agree to it; so they would to let the three others remain; and also to appoint sixteen others at 500*l.* a-year each; for they had plenty of dependents ready to fill up every gap. Upon what did the Committee differ? They were all agreed that the present system was a vicious one; and the only thing there was any contention about was—for the first time he ventured to say—the simple sum of 3,000*l.* The right hon. Gentleman the President of the Board of Trade seemed to think that it would be unjust to have a scale of salaries, and that the inspectors should not receive each the same amount of remuneration. Well, to relieve the right hon. Gentleman's tender conscience, he would give him a precedent—the Masters in Chancery. The new Masters in Chancery received but 2,000*l.* a-year, and the old ones got 3,000*l.*, and they were all doing the duty pretty much in the same way he believed. So it would be in this case; the four inspectors would remain at their thousand a-year, and they would have no reason to complain. But then the right hon. Gentleman would say that the new inspectors would complain of being appointed at lower salaries. Not at all; for they were not bound to accept their appointments unless they chose. But would there be any difficulty about getting inspectors at the lower rate of salary? That was not felt to be the case in regard to the Masters in Chancery. The House was accustomed to see not merely your seven year barristers but old men in the law walking up to the table—at least it was called walking up at 2,000*l.* a-year. But then it seemed that there was so much polish and pride among the manufacturers that they did not like to see sub-inspectors, who had only 300*l.* a-year coming into their houses and factories. Therefore, they wished them to have 500*l.* a-year, that they might be able to put on a better coat, for really there was at present a sort of shabby gentility in their appearance, which strangely contrasted with the easy manners and courtly address of those Gentlemen. But really if these persons were unfit for their situations, which the right hon. Gentleman seemed to admit, it was only a waste of the time of the House to be discussing this point; indeed, one manufacturer, he understood had said. that he would rather pay them himself than have any more discussion about so trifling a matter. If the Government were once convinced that they were really opposed, they would fall in with the views of the Opposition; therefore hon. Gentlemen opposite had only to rise up one after another and express their opinions, and he was sure that when the Committee proceeded to a division those hon. Gentlemen would not find more cordial supporters of their views than her Majesty's Ministers themselves.

Sir *J. Graham* said, he wished to rescue his side of the House, in the absence of the hon. and gallant Member for Lincoln, their leader in the cause of economy, as he was designated by the hon. Member for Southwark, from the charge of wishing for another extravagant commission. The proposition did not emanate from his side of the House, but from the Government. It was the right hon. the President of the Board of Trade who had started the project. The only dispute appeared to be now, when the new plan of inspection was to be brought forward. If the proposal of the right hon. the President of the Board of Trade were adopted he should propose the addition of a clause which he thought would meet the views of the hon. Member for Southwark — namely, that these inspectors should not be eligible to sit in Parliament.

Lord *Ashley* said, he did not mean to charge the present inspectors with any neglect of duty; he had heard nothing to induce him to do so. He should not object to the postponement of these clauses, but he thought the first question which the Committee should decide was, whether sub-inspectors should be appointed, as nearly all the remaining clauses of the bill related to their duties and powers.

The Committee divided on the question that the clauses be postponed— Ayes 50: Noes 48; Majority 2.

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Baines, E.
Barrington, Viscount
Beamish, F. B.
Bolling, W.
Broadley, H.
Brocklehurst, J.
Brotherton, J.
Bruges, W. H. L.
Busfeild, W.
Colquhoun, J. C.
Egerton, W. T.
Elliot, hon. J. E.
Estcourt, T.
Fielden, J.
Fenton, J.
Freemantle, Sir T.
Gladstone, W. E.
Graham, rt. hn. Sir J.
Grimsditch, T.
Harvey, D. W.
Hinde, J. H.
Hindley, C.
Hodgson, R.
Hope, hon. C.
Hope, G. W.
Jackson, Sergeant
Langdale, hon. C.
Lascelles, hon. W. S.
Lister, E. C.
Lockhart, A. M.
Lowther, J. H.
Marsland, H.
Parker, R. T.
Philips, M.
Polhill, F.
Price, R.
Round, J.
Rushbrooke, Colonel
Scarlett, hon. J. Y.
Shaw, rt. hon. F.
Sheppard, T.
Slaney, R. A.
Stanley, Lord
Stansfield, W. R. C.
Turner, W.
Vere, Sir C. B.
Wilbraham, hon. B.
Wood, G. W.
Worsley, Lord

TELLERS.
Patten, J. W.
Teignmouth, Lord

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Adam, Admiral
Aglionby, H. A.
Ashley, Lord
Bagge, W.
Barnard, E. G.
Bewes, T.
Blake, M. J.
Blunt, Sir C.
Bowes, J.
Bridgeman, H.
Briscoe, J. I.
Brodie, W. B.
Butler, hon. Col.
Cavendish, hon. G. H.
Chalmers, P.
Curry, Sergeant
Evans, W.
Gaskell, J. Milnes
Gordon, R.
Hayter, W. G.
Heathcoat, J.
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Hodges, T. L.
Kemble, H.
Macaulay, T. B.
Maule, hon. F.
Moreton, hon. A. H.
O'Connell, M.
Pease, J.
Pechell, Captain
Pigot, D. R.
Rice, E. R.
Rutherfurd, rt. hn. A.
Sanford, E. A.
Smith, B.
Smith, R. B.
Stuart, Lord J.
Strutt, E.
Thomson, rt. hn. C. P.
Thornely, T.
Troubridge, Sir E. T.
Walker, R.
Warburton, H.
Wilbraham, G.
Williams, W.
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Wood, Sir M.
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House resumed. Committee to sit again.

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VOLUME XLVIII.

BEING THE FOURTH VOLUME OF SESSION 1839.

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